United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, TUESDAY, NOVEMBER 15, 2005 No. 151

Senate

The Senate met at 9:45 a.m. and was called to order by the Honorable DAVID VITTER, a Senator from the State of Louisiana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God our saviour, You faithfully answer our prayers with awesome deeds. You formed the mountains with Your power and quieted the raging ocean.

Today, bless us with the transforming impact of Your presence. May this walk with You strengthen us to live blameless lives that honor Your name.

Bless our Senators. Give them the courage to speak the truth from sincere hearts. Keep their hearts in tune with You. Help them to labor to bring life and health where there is death and despair.

Deliver us all from persistent sins and make us Your faithful followers. We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DAVID VITTER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 15, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID VITTER, a Senator from the State of Louisiana, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. VITTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, following leader remarks we will begin a 30-minute period for morning business. That will be followed by an additional 30-minute period of time which has been set aside for closing remarks on the Defense authorization bill. At approximately 10:50 or so this morning we are scheduled to begin a series of votes which will end with a vote on passage of the Defense authorization bill. Those stacked votes include the Warner amendment on Iraq; a Levin amendment on Iraq; Senator BINGAMAN's second-degree amendment relating to detainees; Senator GRAHAM's underlying amendment on detainees, and then final passage of the bill. Therefore, we should complete our work on the Defense bill by the start of our policy lunch recess.

Yesterday, I mentioned the many items that we will need to consider prior to adjourning for Thanksgiving. The tax reconciliation bill may be available as early as later today, and we will proceed to that bill under the statutory time limit as soon as possible. We will know a little bit later this morning.

We will continue to expedite consideration of the other appropriations conference reports as they arrive at the desk and we can clear them with short time agreements. We will also consider other conference reports I mentioned yesterday, the PATRIOT Act, as well as the pension bill under an agreement now being negotiated. That is the pension bill.

If we use all of this time wisely we can get through our remaining business in this week. I hope we can work together during these final days so we do not have to work into Saturday or longer to complete the items that remain. We will have to gauge our progress over the next 24 to 48 hours in that regard, and I urge everyone to keep a flexible schedule over the next several days.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 30 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I yield the floor for a unanimous consent request by my colleague from Oklahoma.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

CHANGE OF VOTE

Mr. INHOFE. Mr. President, I thank the Senator from Colorado for yielding. On rollcall vote No. 307, I was recorded as voting yea. I voted no. Therefore, I ask unanimous consent that the official record be corrected to accurately reflect my vote. This will in no way change the outcome of the vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Colorado.

ENERGY INDEPENDENCE: A 21ST CENTURY IMPERATIVE

Mr. SALAZAR. Mr. President, I rise today to discuss an urgent problem that continues to confront this great Nation. The problem is simply stated. Today, America is held hostage to our overdependence on foreign oil. That dependency is continuing to grow at an ever-alarming rate. America deserves better.

The problem is a result of the malignant neglect of the United States of a meaningful national energy policy for the last three decades. From the formation of OPEC and President Carter's national statement that we must embrace energy independence with ''the moral imperative of war,'' Washington has been stuck in the swamp of inaction. It is time to change this neglect and, for the sake of ourselves and for our children, find our way out of this swamp of inaction.

Ever since 1970, America's domestic production of oil has been dropping. And ever since, many speeches have been given in Washington about the importance of achieving energy independence. Many of us remember the speeches of Richard Nixon and President Carter in the 1970s and the 1980s.

In 1973, following the formation of OPEC, President Nixon gave a speech to the Nation where he said:

> our overall objective . . . can be summed up in one word that best characterizes this Nation and its essential character. The word is ''independence.''

Then again in 1980, President Carter spoke to the Congress at his State of the Union address. In that speech, President Carter said:

> Our excessive dependence on foreign oil is a clear and present danger to our Nation's security. The need has never been more urgent. At long last, we must have a clear, comprehensive energy policy for the United States.

That was President Jimmy Carter in 1980. Well, here we are in 2005 and the Nation has miserably failed to achieve any meaningful reform and any progress toward energy independence. Instead, we have retreated and gone backward. We have become more dependent on imports of foreign oil. The words of President Nixon and President Carter today in 2005 sound hollow because there has not been action to follow the words that have come out of Washington. I am sure both President Nixon, if he were alive today, and President Carter today would be frustrated with the refusal by Washington, the refusal by the White House, to move this great Nation toward energy independence.

I, too, am tired of this talk, and I believe many of my colleagues in this Chamber are tired of this talk. I am tired of the maneuvering of Congress to protect the special interests, and it is time for us to take action.

The facts do not lie about the national energy crisis that we are in and how we are being held hostage to the whims of foreign governments. The conclusion is inescapable when one reviews the facts. Let me review just a few of those important facts. One, Americans today consume one-quarter of the world's oil, but we only stand on top of about 3 percent of the global reserves. So we consume one-quarter of the world's oil, but we only have 3 percent of the world's reserves.

Currently, the OPEC member countries produce about 40 percent of the world's oil, but they hold 80 percent of the proven world reserves. That is a second fact that should be alarming to us because 85 percent of those reserves are in the greater Middle East in countries such as Iraq, Iran, and Saudi Arabia.

Third, 22 percent of the world's oil is in the hands of state sponsors of terrorism under U.S. or U.N. sanction, and only 9 percent of the world's oil is in the hands of free countries.

Today, as we debate the Department of Defense authorization bill to make sure that we remain a strong America, this ought to be something in the back of our minds and in the front of our minds, that we cannot really have a strong America unless we address this most fundamental national security threat of our overdependence on foreign oil.

In the 1970s, this Nation imported about a third of our oil needs. Today, we import almost 60 percent, and the projections are that 20 to 25 years from now we will be importing 70 percent of our oil from foreign countries.

Fifth, we are importing more oil at a time when other growing nations such as China continue to grow in their importation of oil from other countries. China, today, has become the No. 2 petroleum user on the entire globe. Experts predict that China's 1.2 billion people and its large and rapidly growing demand for oil will have serious implications for the United States and for oil prices and supplies at home.

Fully one-quarter of the U.S. trade deficit today—those of us like my colleague from Oklahoma who is here today, who is concerned about the growing deficits that we have in America today, understand that one-quarter of the U.S. trade deficits are associated with oil imports. The problem that we face for sure is due in part to dwindling resources in America. Domestic reserves of oil and natural gas are declining although our demand continues to grow. However, the reality is that there has been a deliberate unwillingness to address this problem in America.

As proof, the average American vehicle gets fewer miles per gallon today than it did in 1988. That is right. Even though transportation fuels represent about two-thirds of our demand for petroleum products, our current fuel economy is worse today than it was 17 years ago. According to EPA estimates, back in 1988 passenger vehicles in America had an average fuel economy of 26 miles per gallon. Today, in the midst of this national crisis, we have 50 million more passenger vehicles on the road and the average fuel economy has declined to less than 24 miles per gallon. That is going in the wrong direction. How is it possible that the world's biggest economy with the world's best scientists and engineers, we, the United States of America, are doing worse today on fuel economy than we were 17 years ago?

We find ourselves in this mess because we have not taken our energy consumption problem seriously. Since most of the known oil reserves lie in one specific region of the world, the Middle East, our addiction to foreign oil means that we will continue to be held hostage to the whims of despotic or increasingly unstable regimes. Ominously, the money we pay today for foreign oil helps pay for the activities of extremists and terrorists around the world who hate the United States and the West in general. We only need to recall the horrors of 9/11 to know how real that hatred is.

Even worse, the money pit grows deeper because we as a world consume more oil and that oil becomes more expensive and the money that keeps some of these regimes in place gets more concentrated in the hands of these few countries. So, yes, America is held hostage and in a tighter and tighter grip.

There is only one way for us to fix this. America must stop the rhetoric, and we must embrace a true imperative of energy independence.

I wish to say a word about the work of this body, this Congress, in the last year with the Energy Policy Act of 2005. I wish to say two things about that legislation. It was the first time in 13 years that any significant energy legislation came out of Washington, DC, again, demonstrating the malignant neglect. There are two important lessons we should take from the act. The first is it was a good template of bipartisan cooperation. In this body, with more than 80 votes, Republicans and Democrats coming together saying we need to embrace a new National Energy Policy Act, we are making a statement that this is an important issue for the American people. We ought to find more places where the American people can get that kind of

bipartisan action on the part of the Senate, the Congress.

Second, the Energy Policy Act of 2005 did some good things in making us move forward toward energy independence. It embraced an ethic of energy conservation, of which all of us should be proud, and included in that are efficiency standards for the 14 appliances that are most commonly used in our homes. That is an important step for the United States of America to take because we know from the experts at the Department of Energy that we currently waste about 62 percent of the energy we consume.

Second, the 2005 Energy Policy Act also took some major steps forward with regard to renewable energy. We embraced an ethic that said we can start growing our way toward energy independence. We increased the amount of ethanol that will be produced in America so we will have 7.5 billion gallons of ethanol being produced by 2012. That is only 5 years away. That will be very helpful to us as we move toward energy independence.

Third, the new technologies that were embraced in this law are important. When we look at the possibility of coal gasification, we know the huge reserves we have in America can be used in a way to help us fill up that menu board that we must fill up if we are going to find our way toward energy independence.

Finally, there are approaches in the legislation that will help us with the balanced development of our current natural resources, including the appropriate development of oil shale within my State of Colorado.

While I have been a fan of our 2005 legislation, I believe there is more that we must do to set America free from the overdependence on foreign oil. We need to do more. There is a hard winter ahead for many Americans. Gas prices remain very high. Diesel prices remain even higher. This directly affects the pocketbooks of people across America.

In Colorado, as across the Nation, high fuel prices affect everyone, and they also hit our agricultural producers and perhaps hit them the hardest. Farming and ranching equipment uses diesel fuel. When you have to tend to hundreds of acres, you use a lot of it.

Americans are in for a one-two punch on energy prices this winter because home heating prices are going to be high as well. The cost of natural gas is at an unprecedented level and, similar to the high prices at the pump, the resulting high heating costs will affect every American. We should take action.

Back in August I remember traveling around in places where I saw gas prices hit $3 for the first time around. Yet through the ravages of Katrina and Rita and the escalation of gas prices over the last several months, we in Congress have had a few hearings but we have not taken action to deal more effectively with the crisis at hand. We must do more. We must begin now. I suggest we start in the following three ways.

First, we should embrace a national price-gouging law. That is a law which was discussed by Senator BINGAMAN and Senator STEVENS in a hearing that was held in the Senate last week. The oil companies should have nothing to be afraid of with respect to price gouging because they say they have not engaged in price gouging. But we need to have a definition of what price gouging is so in the future we can make the determinations as to whether price gouging has occurred on the backs of the American people. We ought to be able to pass a price-gouging law in America today.

Second, we need to immediately embrace conservation emergency efforts for the year 2005 and for this winter. The years of malignant neglect have suddenly caught up with all of us, and we need to conserve energy for this winter. I believe we need to pass an Emergency Energy Conservation Act of 2005. I have promoted a number of proposals on the floor of the Senate, as have several of my colleagues. On the House side, the story is the same. There are many good ideas available to this Congress that will encourage conservation. But we do not have time to wait. We need to act now, before the cold days of winter are upon us.

Finally, we need to continue to put the spotlight on the possibilities and opportunities of renewable energy. Today, the nation of Brazil produces about half of its energy supply from renewable energy. They have truly embraced and achieved a goal of energy independence. If Brazil and other countries that are less prosperous, Third World countries, can in fact achieve energy independence by looking at renewable fuels, why can't we in the United States do the same? I believe we can. More production of renewable fuels combined with more development of wind, solar, biomass, and other renewable resources will move the United States closer to energy independence. At the same time, renewable energy production will directly benefit those agricultural and rural communities hardest hit by high energy prices. Harvesting renewable energy from our Nation's farmlands and wide open spaces is perhaps the most important opportunity to come to rural America in the last 50 years.

A group called the Energy Future Coalition, composed of leading conservatives and leading progressives—from across the political spectrum—is working toward harvesting 25 percent of America's energy demands by the year 2025. I believe we can do even better than that, and there are experts within the Department of Energy who believe that we can do that.

There is a lot of work ahead of us as we deal with what I believe is one of the two most important domestic issues that face America and that is energy and how we get to energy independence. It ought to be at the forefront of the work of this Senate and this Congress.

In conclusion, this country has an Energy bill and it is a good first step. However, the Energy Policy Act of 2005 does not do enough to prepare America for the future. The events of the last several months prove that. We can do better with a more comprehensive long-term energy policy that hammers home on two simple points: energy efficiency and developing renewable resources. America can do better. America deserves better. America can do better with true deeds that move us to energy independence, with deeds that transcend the rhetoric of Washington and the stalemate of Washington for the last 30 years.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

A REAL WAR

Mr. COBURN. Mr. President, I come to the floor today because, as I travel around Oklahoma, one of the things I find is a lack of recognition of the war we are in, why we are there, what the problems are associated with it. Every one of us has a heavy heart for the fact that we now have troops committed and dying and sacrificing every day in the war on terrorism.

As I thought about what to say to my constituents in Oklahoma but also to the American people, I found that I could not say it as well as retired MG Vernon Chong of the U.S. Air Force. I wish to read, for a few moments, a commentary he has written, dated October 1, 2005. If you would indulge me to read that, I think it will give us some enlightenment to where we are. He says:

To get out of a difficulty, one usually must go through it. Our country is now facing the most serious threat to its existence, as we know it, that we have faced in your lifetime and mine (which includes WWII).

The deadly seriousness is greatly compounded by the fact that there are very few of us who think we can possibly lose this war, and even fewer who realize what losing really means.

First, let's examine a few basics. When did the threat to us start? Many will say September 11, 2001. The answer, as far as the United States is concerned, is 1979—22 years prior to September 2001—with the following attacks on us:

Iran Embassy Hostages, 1979; Beirut, Lebanon, Embassy, 1983; Beirut, Lebanon, Marine Barracks, 1983; Lockerbie, Scotland, Pan-Am flight to New York, 1988; First New York World Trade Center attack, 1993; Dhahran, Saudi Arabia, Khobar Towers Military complex, 1996; Nairobi, Kenya, U.S. Embassy, 1998; Dares Salaam, Tanzania, U.S. Embassy, 1998; Aden, Yeman, USS Cole, 2000; New York, World Trade Center, 2001; Pentagon, 2001; and Shanksville, Pennsylvania, Plane Crash, 2001

Why were we attacked: Envy of our position, our success, and our freedoms. The attacks happened during the administration of Presidents Carter, Reagan, Bush, Clinton, and Bush. We cannot fault either the Republicans or Democrats, as there were no provocations by any of the Presidents or their immediate predecessors, Presidents Ford or Carter.

Who were the attackers? In each case, the attacks on the U.S. were carried out by Muslins. What is the Muslim population of the World? Twenty-five percent. Isn't the Muslin Religion peaceful? Hopefully, but that is really not material. There is no doubt that the predominantly Christian population of Germany was peaceful, but under the dictatorial leadership of Hitler (who was also Christian), that made no difference. You either went along with the administration, or you were eliminated.

Although Hitler kept the world focused on the Jews, he had no hesitancy about killing anyone who got in his way of exterminating the Jews, or of taking over the world—German, Christian, or any others.

Same with the Muslim terrorists. They focus the attention of the world on the U.S., but kill all in the way—their own people, or the Spanish, French, or anyone else. The point here, is that just like the peaceful Germans were of no protection to anyone from the Nazis, no matter how many peaceful Muslins there may be, they are no protection for us from the terrorist Muslim leaders, and what they are fanatically bent on doing—by their own pronouncements—killing all of us ''infidels.'' I don't blame the peaceful Muslins. What would you do—if the choice was shut up, or die?

So who are we at war with? There is no way we can honestly respond that it is anyone other than the Muslim terrorists. Trying to be politically correct, and avoid verbalizing this conclusion can well be fatal. There is no way to win, if you don't clearly recognize, and articulate who you are fighting.

So with that background, now to the two major questions: Can we lost this war? What does losing really mean? If we are to win, we must clearly answer these two pivotal questions.

We can definitely lose this war, and as anomalous as it may sound, the major reason we can lose is that so many of us simply do not fathom the answer to the second question—''What does losing mean?''

It would appear that a great many of us think that losing the war means hanging our heads, bringing the troops home, and going on about our business, like post-Vietnam. This is as far from the truth as one can get. What losing really means is: We would no longer be the premier country in the world. The attacks will not subside, but rather will steadily increase. Remember, they want us dead, not just quiet. If they had just wanted us quiet, they would not have produced an increasing series of attacks against us, over the past 18 years. The plan was clearly, for terrorists to attack us, until we were neutered, and submissive to them.

We would, of course, have no future support from other nations, for fear of reprisals, and for the reason that they would see that we are impotent, and cannot help them.

They will pick off the other non-Muslim nations, one at a time. It will be increasingly easier for them. They already hold Spain hostage. It doesn't matter whether it was right or wrong for Spain to withdraw its troops from Iraq. Spain did it because the Muslim terrorists bombed their train, and told them to withdraw the troops. Anything else they want Spain to do, will be done.

The next will probably be France. Our one hope on France is that they might see the light and realize that if we don't win, they are finished too, in that they can't resist the Muslim terrorists without us. However, it may already be too late for France.

If we lose the war, our production, income, exports, and way of life will all vanish, as we know it. After losing, who would trade or deal with us, if they are threatened by the Muslims?

If we can't stop the Muslims, how could anyone else?

The Muslims [Islamo-fascists] fully know what is riding on this war, and therefore, are completely committed to winning, at any cost. We better know it too, and be likewise committed to winning at any cost.

Why do I go on at such lengths about the results of losing? Simple. Until we recognize the costs of losing, we cannot unite, and really put 100 percent of our thoughts and efforts into winning. And, it is going to take that 100 percent effort to win.

So, how can we lose the war?

Again, the answer is simple. We can lose the war by ''imploding.'' That is, defeating ourselves, by refusing to recognize the enemy and their purpose, and really digging in and lending full support to the war effort. If we are united, there is no way that we can lose. If we continue to be divided, there is no way that we can win!

Let me give you a few examples of how we simply don't comprehend the life-and-death seriousness of this situation.

President Bush selects Norman Mineta as Secretary of Transportation. Although all of the terrorist attacks were committed by Muslim men between 17 and 40 years of age, Secretary Mineta refuses to allow profiling. Does that sound like we are taking this thing seriously?

This is war! For the duration, we are going to have to give up some of the civil rights we have become accustomed to. We had better be prepared to lose some of our civil rights temporarily, or we will most certainly lose all of them, permanently.

And, don't worry that it is a slippery slope. We gave up plenty of civil rights during WWII, and immediately restored them after the victory, and in fact, added many more since then.

Do I blame President Bush or President Clinton before him?

No, I blame us for blithely assuming we can maintain all of our Political Correctness, and all of our civil rights during this conflict, and have a clean, lawful, honorable war. None of those words apply to war. Get them out of your head.

Some have gone so far in their criticism of the war and/or the Administration that it almost seems they would literally like to see us lose. I hasten to add that this isn't because they are disloyal. It is because they don't recognize what losing means. Nevertheless, that conduct gives the impression to the enemy that we are divided and weakening. It concerns our friends, and it does great damage to our cause.

Of more recent vintage, the uproar fueled the politicians and media regarding the treatment of some prisoners of war, perhaps exemplifies best what I am saying.

We have recently had an issue, involving the treatment of a few Muslim prisoners of war, by a small group of our military police.

By the way, all of those have gone to trial or are going to trial, and will be punished.

Again, these are MG Chong's words:

These are the type of prisoners, who just a few months ago, were throwing their own people off buildings, cutting off their hands, cutting out their tongues, and otherwise murdering their own people, just for disagreeing with Saddam Hussein.

And just a few years ago, these same types of prisoners chemically killed 400,000 of their own people for the same reason. They are also the same type of enemy fighters who recently were burning Americans, and dragging their charred corpses through the streets of Iraq.

And still more recently, the same type of enemy that was, and is, providing videos to all news sources internationally, of the beheading of American prisoners they held.

Compare this with some of our press and politicians, who, for several days, have thought and talked about nothing else but the ''humiliating'' of some Muslim prisoners—not burning them, not dragging their charred corpses through the streets, not beheading them, but ''humiliating'' them.

Can this be for real?

If this doesn't show the complete lack of comprehension and understanding of the seriousness of the enemy we are fighting, the life and death struggle we are in, and the disastrous results of losing this war, nothing can.

To bring our country to a virtual political standstill over this prisoner issue makes us look like Nero playing his fiddle, as Rome burned—totally oblivious to what is going on in the real world. Neither we, nor any other country, can survive this internal strife.

Again I say, this does not mean that some of our politicians or media people are disloyal. It simply means that they are absolutely oblivious to the magnitude of the situation we are in, and into which the Muslim terrorists have been pushing us, for many years.

Remember, the Muslim terrorists' stated goal is to kill all infidels! That translates into all non-Muslims—not just in the United States, but throughout the world.

We are the last bastion of defense.

We have been criticized, for many years, as being ''arrogant.'' That charge is valid, in at least one respect. We are arrogant in that we believe that we are so good, powerful, and smart; that we can win the hearts and minds of all those who attack us; and that with both hands tied behind our back, we can defeat anything bad in the world.

We can't.

If we don't recognize this, our Nation as we know it, will not survive, and no other free country in the world will survive, if we are defeated.

And finally, name any Muslim countries throughout the world that allow freedom of speech, freedom of thought, freedom of religion, freedom of the press, equal rights for anyone—let alone everyone, equal status, or any status for women.

This has been a long way of saying that we must be united on this war, or we will be equated in the history books to the self-inflicted fall of the Roman Empire. If, that is, the Muslim leaders will allow history books to be written, or read.

Democracies don't have their freedoms taken away from them by some external military force. Instead, they give their freedoms away, politically correct piece by politically correct piece.

And, they are giving those freedoms away to those who have shown, worldwide, that they abhor freedom, and will not apply it to you, or even to themselves, once they are in power.

They have universally shown that when they have taken over, they then start brutally killing each other, over who will be the few who control the masses. Will we ever stop hearing from the politically correct, about the ''peaceful Muslims''?

I close on a hopeful note, by repeating what I said above. If we are united, there is no way that we can lose. I hope the factions in our country will begin to focus on the critical situation we are in, and will unite to save our country. It is your future we are talking about! Do whatever you can to preserve it.

After reading the above, we all must do this not only for ourselves, but our children, our grandchildren, our country, and the World.

Whether Democrat or Republican, conservative or liberal, and that includes the politicians and media of our country, and the free World!

Those are the words of retired MG Vernon Chong, U.S. Air Force.

I think it brings to mind the very important facts that face us today. We are at war. The war is real. The threats to our country and to our freedom are real. We must come together as a nation and recognize this threat, or we stand to lose the very principles, the very freedom, we each cherish so much.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1042, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1042) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Graham amendment No. 2515, relating to the review of the status of detainees of the United States Government.

Warner/Frist amendment No. 2518, to clarify and recommend changes to the policy of the United States on Iraq and to require reports on certain matters relating to Iraq.

Levin amendment No. 2519, to clarify and recommend changes to the policy of the United States on Iraq and to require reports on certain matters relating to Iraq.

Bingaman amendment No. 2523 (to amendment No. 2515), to provide for judicial review of detention of enemy combatants.

Graham amendment No. 2524 (to amendment No. 2515), in the nature of a substitute.

The ACTING PRESIDENT pro tempore. There will be 30 minutes for debate equally divided between the bill's managers.

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, first, I advise the Senate that last night for a period of 2 hours we had a very thorough debate on amendments of my distinguished colleague from Michigan and amendments that I put in with our distinguished leader, Mr. FRIST, and I believe cosponsors of Senator LEVIN, and we were joined by another colleague, Senator LIEBERMAN. Of course, Senators don't have access to that RECORD yet. But I assure you the merits of both cases were thoroughly stated.

As we have 30 minutes divided between the two of us this morning, my distinguished friend and I talked this morning, and he expressed an interest in having his amendment voted first. As a matter of comity and courtesy, we offer that to the Senator from Michigan. If that is his desire, I ask unanimous consent that be the order in which votes be taken.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LEVIN. Mr. President, that would be acceptable, indeed, and I think preferable from every perspective. It is our understanding there is a suggestion to that effect from the Republican side. Whether it is from the Republican side or our side, I think it is wise. I accept the suggestion and do so with thanks to my good friend from Virginia.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. Mr. President, to inform the Senate, there are two amendments. Basically, as we will explain momentarily, the amendments are almost identical except in three areas. They are important areas, and we will go into that in some detail here in a moment.

The Levin amendment will go first, and ours will go second. There will be votes on both amendments.

We had the option to draw up an entirely different amendment, to go into many ramifications and many issues that we feel very strongly about on this side of the aisle. I take the responsibility. Or if anyone wishes to share it with me, they may well do so. I felt that it is so critical at this point in history with regard to the United States policy towards Iraq, together with our coalition forces, that the extent to which the Senate could speak with one voice had great merit. Therefore, essentially on this side we looked at the amendment of the Senator from Michigan and made, in my judgment, several minor modifications and one very significant modification. That is the standing.

As Senators vote, they will note the similarity between these amendments. But I felt the Senator from Michigan and I have a very strong feeling that the basic purpose of these amendments—whichever one is voted and survives—is to send the strongest possible message to the Iraqi people, the new government that will be formed subsequent to December 15, that our country, together with our coalition partners, has made enormous efforts, enormous sacrifice of life and limb, contributions by the people not only from our country but a number of other countries, to let them establish for themselves a form of democracy.

I believe we have made great progress with several transitional governments, a referendum vote, and now on the verge of what I perceive—and I think the Senator from Michigan shares the view—of an even stronger and larger vote to elect the permanent government.

The next 120 days, in my judgment, are critical—absolutely critical. Every word that comes from the Congress of the United States will be carefully scrutinized not only by the Iraqi people but by the nations throughout the Middle East and indeed our coalition partners. We have to be extremely careful in the formulation of those words and messages so they are not misconstrued.

I feel, with all due respect to the amendment originally drawn by my colleague from Michigan and others, that the last paragraph phrases a timetable of withdrawal requiring the President to file a report every 90 days giving specific dates and other factors.

That is the major change between these two amendments. The amendment of the Senator from Virginia strikes that last paragraph. I will go into further detail momentarily as to exactly why. We made the effort to have a bipartisan amendment. It is forward-looking.

Again, it is my intention to have the amendment on this side of the aisle not contain any language that could be misconstrued as a timetable which could establish and set up a fragile situation, particularly on the eve of another election on December 15.

I thank my distinguished colleague from Michigan. I commend him for much of the language he included in the amendment. I was privileged to draw on it. However, it sends that message on which we have absolute unity to the Iraqi people: We mean business. We have done our share. Now the challenge is up to you.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. I yield myself 1 minute, and then I will yield to Senator KENNEDY.

I thank the Senator from Virginia for his words. There is no timetable for withdrawal in the last paragraph. I, like him, urge Members to read that paragraph. It simply says that the same type of schedule which we all agreed to in paragraph 6 should also be proposed with an estimated schedule relative to phased withdrawal if—if—the conditions which we all agree upon should be set forth in the report have been achieved.

That is what it does. That is an important message. It is not a withdrawal timetable in paragraph 7, but each Member will reach their own conclusion on that. It sends an important message, but it is not the one the Senator from Virginia has characterized.

I yield 5 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator for his strong leadership.

I strongly support the Levin-Biden-Reid amendment on Iraq. Our amendment expresses the clear sense of the Senate that the U.S. military forces should not stay in Iraq indefinitely. Although many disagree with the President about the war, we all honor the service and sacrifice and heroism of our brave men and women in Iraq. Our Armed Forces are serving courageously in Iraq, under enormously difficult circumstances. The policy of our Government must be worthy of their sacrifice. Unfortunately, it is not. The American people know it.

An open-ended commitment in Iraq is not in America's interests, and it is not in Iraq's interests, either. Our amendment clearly states that the commitment of our military is not open-ended. The goal of our military should be to establish a legitimate functioning government, not to dictate to it. If we want the new Iraqi government to succeed, we need to give Iraq back to the Iraqi people. We need to let Iraq make its own political decisions without American interference. We need to train the Iraqi security forces, but we also need to reduce our military presence.

There is widespread recognition that our overwhelming military presence is inflaming the insurgency. After the election of a permanent Iraqi government, we should begin a substantial and continuing drawdown of U.S. forces. If additional forces are necessary during our drawdown or when our drawdown is completed, they should have the support of the Iraqi people and the United Nations and come from the international community. American troops can participate, but, unlike the current force, it should not consist mostly of Americans or be led by Americans.

All nations of the world have an interest in Iraq's stability and territorial integrity. Defenders of President Bush's failed stay-the-course policy pretend that alternatives such as this are a cut-and-run strategy. They are not.

Last February, General Abizaid said what makes it hard for the United States is that an overbearing presence or a larger than acceptable footprint in the region works against you. No one accused him of cut and run.

Last July, GEN George Casey, commanding general of the Multi-National Force in Iraq, talked about fairly substantial reduction of troops in 2006. No one has accused him of cut and run.

Just last month, America's Ambassador to Iraq said it is possible we can adjust our courses, downsizing them in the course of next year. No one has accused him of cut and run.

This month, Mel Laird, Secretary of Defense of the Nixon administration, wrote in the current issue of the Journal of Foreign Affairs that our presence is what feeds the insurgency, and our gradual withdrawal would feed the confidence and the ability of average Iraqis to stand up to the insurgency. No one has accused him of cut and run.

We need to have an open and honest debate about our future military presence in Iraq. An open-ended commitment of our military forces does not serve America's best interests and does not serve Iraqi's interests, either. Our current misguided policy has turned Iraq into a quagmire with no end in sight. It is urgent for the administration to adopt an honest and effective plan to end the violence and stabilize Iraq so that our soldiers can begin to come home with dignity and honor.

Last Friday, President Bush outlined a new bumper-sticker slogan for his misguided policy in Iraq: ''Strategy for Victory.'' But it is still the same failed strategy. He should have called it ''Strategy for Quagmire.''

Our men and women in uniform deserve better, much better from this President. So does the Nation. We can do better. I urge my colleagues to support the Levin-Biden-Reid amendment.

I yield back the remainder of my time.

AMENDMENTS NOS. 1345, 1354, 1468, AS MODIFIED; 1500, AS MODIFIED; 1518, 1522, AS MODIFIED; 1538, 1898, 1902, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, EN BLOC

Mr. WARNER. At this juncture, the distinguished Senator from Michigan and I would like to offer our managers' package to this bill. I send a managers' package of some 64 amendments to the desk. They have been cleared by both sides.

Mr. LEVIN. The amendments have been cleared on our side.

Mr. WARNER. I ask unanimous consent that the Senate consider the amendments en bloc, the amendments en bloc be agreed to, the motions to reconsider be laid upon the table, and any statements relating to any of these individual amendments be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1345

(Purpose: To provide for expedited action in bid protests conducted under OMB Circular A–76)

On page 292, between lines 15 and 16, insert the following:

SEC. 1106. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A–76.

(a) ELIGIBILITY TO PROTEST.—(1) Section 3551(2) of title 31, United States Code, is amended to read as follows:

''(2) The term 'interested party'—

''(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

''(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A–76 regarding performance of an activity or function of a Federal agency, includes—

''(i) any official who submitted the agency tender in such competition; and

''(ii) any one person who, for the purpose of representing them in a protest under this subchapter that relates to such competition, has been designated as their agent by a majority of the employees of such Federal agency who are engaged in the performance of such activity or function.''.

(2)(A) Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

''§ 3557. Expedited action in protests for Public-Private competitions

''For protests in cases of public-private competitions conducted under Office of Management and Budget Circular A–76 regarding performance of an activity or function of Federal agencies, the Comptroller General shall administer the provisions of this subchapter in a manner best suited for expediting final resolution of such protests and final action in such competitions.''.

(B) The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

''3557. Expedited action in protests for public-private competitions.''.

(b) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

''(5) If a private sector interested party commences an action described in paragraph (1) in the case of a public-private competition conducted under Office of Management and Budget Circular A–76 regarding performance of an activity or function of a Federal agency, then an official or person described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.''.

(c) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by subsection (b)), shall apply to—

(1) protests and civil actions that challenge final selections of sources of performance of an activity or function of a Federal agency that are made pursuant to studies initiated under Office of Management and Budget Circular A–76 on or after January 1, 2004; and

(2) any other protests and civil actions that relate to public-private competitions initiated under Office of Management and Budget Circular A–76 on or after the date of the enactment of this Act.

AMENDMENT NO. 1354

(Purpose: To authorize the participation of members of the Armed Forces in the Paralympic Games)

At the appropriate place in title V, insert the following:

SEC. ___. PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN THE PARALYMPIC GAMES.

Section 717(a)(1) of title 10, United States Code, is amended by striking ''and Olympic Games'' and inserting '', Olympic Games, and Paralympic Games,''.

AMENDMENT NO. 1468, AS MODIFIED

(Purpose: Relating to contracting in the procurement of certain supplies and services)

At the end of subtitle A of title VIII, add the following:

SEC. 807. CONTRACTING FOR PROCUREMENT OF CERTAIN SUPPLIES AND SERVICES.

(a) MODIFICATION OF LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—Section 8014(a)(3) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 972) is amended—

(1) in subparagraph (A), by inserting '', payment that could be used in lieu of such a plan, health savings account, or medical savings account'' after ''health insurance plan''; and

(2) in subparagraph (B), by striking ''that requires'' and all that follows through the end and inserting ''that does not comply with the requirements of any Federal law governing the provision of health care benefits by Government contractors that would be applicable if the contractor performed the activity or function under the contract.''.

AMENDMENT NO. 1500, AS MODIFIED

(Purpose: To require a strategy and report by the Secretary of Defense regarding the impact on small businesses of the requirement to use radio frequency identifier technology)

On page 237, after line 17, insert the following:

SEC. 846. RADIO FREQUENCY IDENTIFIER TECHNOLOGY.

(a) SMALL BUSINESS STRATEGY.—As part of implementing its requirement that contractors use radio frequency identifier technology, the Secretary of Defense shall develop and implement a strategy to educate the small business community regarding radio frequency identifier technology requirements, compliance, standards, and opportunities.

(b) REPORTING.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Small Business and Entrepreneurship and the Committee on Armed Services of the Senate and the Committee on Small Business and the Committee on Armed Services of the House of Representatives detailing the status of the efforts by the Secretary of Defense to establish requirements for radio frequency identifier technology used in Department of Defense contracting, including—

(A) standardization of the data required to be reported by such technology; and

(B) standardization of the manufacturing quality required for such technology; and

(C) the status of the efforts of the Secretary of Defense to develop and implement a strategy to educate the small business community, as required by subsection (a)(2).

AMENDMENT NO. 1518

(Purpose: To require lenders to include information regarding the mortgage and foreclosure rights of servicemembers under the Servicemembers Civil Relief Act)

At the end of subtitle E of title VI, add the following:

SEC. 653. SERVICEMEMBERS RIGHTS UNDER THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968.

(a) IN GENERAL.—Section 106(c)(5)(A)(ii) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)) is amended—

(1) in subclause (II), by striking ''; and'' and inserting a semicolon;

(2) in subclause (III), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(IV) notify the homeowner by a statement or notice, written in plain English by the Secretary of Housing and Urban Development, in consultation with the Secretary of Defense and the Secretary of the Treasury, explaining the mortgage and foreclosure rights of servicemembers, and the dependents of such servicemembers, under the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.), including the toll-free military one source number to call if servicemembers, or the dependents of such servicemembers, require further assistance.''.

(b) NO EFFECT ON OTHER LAWS.—Nothing in this section shall relieve any person of any obligation imposed by any other Federal, State, or local law.

(c) DISCLOSURE FORM.—Not later than 150 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue a final disclosure form to fulfill the requirement of section 106(c)(5)(A)(ii)(IV) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)).

(d) EFFECTIVE DATE.—The amendments made under subsection (a) shall take effect 150 days after the date of enactment of this Act.

AMENDMENT NO. 1522, AS MODIFIED

At the end of subtitle D of title VIII, add the following:

SEC. 834. TRAINING FOR DEFENSE ACQUISITION WORKFORCE ON THE REQUIREMENTS OF THE BERRY AMENDMENT.

(a) TRAINING DURING FISCAL YEAR 2006.—The Secretary of Defense shall ensure that each member of the defense acquisition workforce who participates personally and substantially in the acquisition of textiles on a regular basis receives training during fiscal year 2006 on the requirements of section 2533a of title 10, United States Code (commonly referred to as the ''Berry Amendment''), and the regulations implementing that section.

(b) INCLUSION OF INFORMATION IN NEW TRAINING PROGRAMS.—The Secretary shall ensure that any training program for the defense acquisition workforce development or implemented after the date of the enactment of this Act includes comprehensive information on the requirements described in subsection (a).

AMENDMENT NO. 1538

(Purpose: To provide a termination date for the Small Business Competitiveness Demonstration Program)

On page 237, after line 17, insert the following:

SEC. 846. TERMINATION OF PROGRAM.

Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after ''January 1, 1989'' the following: '', and shall terminate on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006''.

AMENDMENT NO. 1898

(Purpose: To authorize the disposal and sale to qualified entities of up to 8,000,000 pounds of tungsten ores and concentrates from the National Defense Stockpile)

On page 379, after line 22, add the following:

SEC. 3302. AUTHORIZATION FOR DISPOSAL OF TUNGSTEN ORES AND CONCENTRATES.

(a) DISPOSAL AUTHORIZED.—The President may dispose of up to 8,000,000 pounds of contained tungsten in the form of tungsten ores and concentrates from the National Defense Stockpile in fiscal year 2006.

(b) CERTAIN SALES AUTHORIZED.—The tungsten ores and concentrates disposed under subsection (a) may be sold to entities with ore conversion or tungsten carbide manufacturing or processing capabilities in the United States.

AMENDMENT NO. 1902

(Purpose: To acquire a report on records maintained by the Department of Defense on civilian casualties in Afghanistan and Iraq)

At the appropriate place in the bill, insert:

REPORT

SEC. . Not later than 90 days after enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Armed Services and the Committee on Appropriations with the following information—

(a) Whether records of civilian casualties in Afghanistan and Iraq are kept by United States Armed Forces, and if so, how and from what sources this information is collected, where it is kept, and who is responsible for maintaining such records.

(b) Whether such records contain (1) any information relating to the circumstances under which the casualties occurred and whether they were fatalities or injuries; (2) if any condolence payment, compensation, or assistance was provided to the victim or to the victim's family; and (3) any other information relating to the casualties.

AMENDMENT NO. 2525

(Purpose: To provide for the temporary inapplicability of the Berry Amendment to procurements of specialty metals that are used to produce force protection equipment needed to prevent combat fatalities in Iraq and Afghanistan)

On page 213, between lines 2 and 3, insert the following:

SEC. 807. TEMPORARY INAPPLICABILITY OF BERRY AMENDMENT TO PROCUREMENTS OF SPECIALTY METALS USED TO PRODUCE FORCE PROTECTION EQUIPMENT.

(a) IN GENERAL.—Section 2533a(a) of title 10, United States Code, shall not apply to the procurement, during the 2-year period beginning on the date of the enactment of this Act, of specialty metals if such specialty metals are used to produce force protection equipment needed to prevent combat fatalities in Iraq or Afghanistan.

(b) TREATMENT OF PROCUREMENTS WITHIN PERIOD.—For the purposes of subsection (a), a procurement shall be treated as being made during the 2-year period described in that subsection to the extent that funds are obligated by the Department of Defense for that procurement during that period.

AMENDMENT NO. 2526

(Purpose: To express the sense of the Senate with regard to manned space flight)

At the appropriate place, insert the following:

SEC. ———. SENSE OF THE SENATE REGARDING MANNED SPACE FLIGHT.

(a) FINDINGS.—The Congress finds that—

(1) human spaceflight preeminence allows the United States to project leadership around the world and forms an important component of United States national security;

(2) continued development of human spaceflight in low-Earth orbit, on the Moon, and beyond adds to the overall national strategic posture;

(3) human spaceflight enables continued stewardship of the region between the earth and the Moon—an area that is critical and of growing national and international security relevance;

(4) human spaceflight provides unprecedented opportunities for the United States to lead peaceful and productive international relationships with the world community in support of United States security and geopolitical objectives;

(5) a growing number of nations are pursuing human spaceflight and space-related capabilities, including China and India;

(6) past investments in human spaceflight capabilities represent a national resource that can be built upon and leveraged for a broad range of purposes, including national and economic security; and

(7) the industrial base and capabilities represented by the Space Transportation System provide a critical dissimilar launch capability for the nation.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that it is in the national security interest of the United States to maintain preeminence in human spaceflight.

AMENDMENT NO. 2527

(Purpose: To require an annual report on the costs incurred by the Department of Defense in implementing or supporting resolutions of the United Nations Security Council)

On page 286, between lines 7 and 8, insert the following:

SEC. 1073. ANNUAL REPORT ON COSTS TO CARRY OUT UNITED NATIONS RESOLUTIONS.

(a) REQUIREMENT FOR ANNUAL REPORT.—The Secretary of Defense and the Secretary of State shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives an annual report that sets forth all direct and indirect costs (including incremental costs) incurred by the Department of Defense during the preceding year in implementing or supporting any resolution adopted by the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, international peace enforcement operations, monitoring missions, observer missions, or humanitarian missions undertaken by the Department of Defense. Each such report shall include an aggregate of all such Department of Defense costs by operation or mission, the percentage of the United States contribution by operation or mission, and the total cost of each operation or mission.

(b) COSTS FOR ASSISTING FOREIGN TROOPS.—The Secretary of Defense and the Secretary of State shall detail in each annual report required by this section all direct and indirect costs (including incremental costs) incurred in training, equipping, and otherwise assisting, preparing, resourcing, and transporting foreign troops for implementing or supporting any resolution adopted by the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, international peace enforcement operations, monitoring missions, observer missions, or humanitarian missions.

(c) CREDIT AND COMPENSATION.—The Secretary of Defense and the Secretary of State shall detail in each annual report required by this section all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

(d) FORM OF REPORT.—Each annual report required by this section shall be submitted in unclassified form, but may include a classified annex.

AMENDMENT NO. 2528

(Purpose: To provide for the Administrator of the Small Business Administration's determination)

On page 237, after line 17, insert the following:

SEC. 846. EXCLUSION OF CERTAIN SECURITY EXPENSES FROM CONSIDERATION FOR PURPOSE OF SMALL BUSINESS SIZE STANDARDS.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)), is amended by adding at the end the following:

''(4) EXCLUSION OF CERTAIN SECURITY EXPENSES FROM CONSIDERATION FOR PURPOSE OF SMALL BUSINESS SIZE STANDARDS.—

''(A) DETERMINATION REQUIRED.—Not later than 30 days after the date of enactment of this paragraph, the Administrator shall review the application of size standards established pursuant to paragraph (2) to small business concerns that are performing contracts in qualified areas and determine whether it would be fair and appropriate to exclude from consideration in the average annual gross receipts of such small business concerns any payments made to such small business concerns by Federal agencies to reimburse such small business concerns for the cost of subcontracts entered for the sole purpose of providing security services in a qualified area.

''(B) ACTION REQUIRED.—Not later than 60 days after the date of enactment of this paragraph, the Administrator shall either—

''(i) initiate an adjustment to the size standards, as described in subparagraph (A), if the Administrator determines that such an adjustment would be fair and appropriate; or

''(ii) provide a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives explaining in detail the basis for the determination by the Administrator that such an adjustment would not be fair and appropriate.

''(C) QUALIFIED AREAS.—In this paragraph, the term 'qualified area' means—

''(i) Iraq,

''(ii) Afghanistan, and

''(iii) any foreign country which included a combat zone, as that term is defined in section 112(c)(2) of the Internal Revenue Code of 1986, at the time of performance of the relevant Federal contract or subcontract.''.

AMENDMENT NO. 2529

(Purpose: To encourage small business contracting in overseas procurements)

On page 237, after line 17, insert the following:

SEC. 846. SMALL BUSINESS CONTRACTING IN OVERSEAS PROCUREMENTS.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

''(3) SMALL BUSINESS CONTRACTING IN OVERSEAS PROCUREMENTS.—

''(A) STATEMENT OF CONGRESSIONAL POLICY.—It is the policy of the Congress that Federal agencies shall endeavor to meet the contracting goals established under this subsection, regardless of the geographic area in which the contracts will be performed.

''(B) AUTHORIZATION TO USE CONTRACTING MECHANISMS.—Federal agencies are authorized to use any of the contracting mechanisms authorized in this Act for the purpose of complying with the Congressional policy set forth in subparagraph (A).

''(C) REPORT TO CONGRESSIONAL COMMITTEES.—Not later than 1 year after the date of enactment of this paragraph, the Administrator and the Chief Counsel for Advocacy shall submit to the Committee on Small Business and Entrepreneurship of the Senate and Committee on Small Business of the House of Representatives a report on the activities undertaken by Federal agencies, offices, and departments to carry out this paragraph.''.

AMENDMENT NO. 2530

(Purpose: To ensure fair access to multiple-award contracts)

On page 237, after line 17, insert the following:

SEC. 846. FAIR ACCESS TO MULTIPLE-AWARD CONTRACTS.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

''(3) FAIR ACCESS TO MULTIPLE-AWARD CONTRACTS.—

''(A) STATEMENT OF CONGRESSIONAL POLICY.—It is the policy of the Congress that Federal agencies shall endeavor to meet the contracting goals established under this subsection with regard to orders under multiple-award contracts, including Federal Supply Schedule contracts and multi-agency contracts.

''(B) AUTHORIZATION FOR LIMITED COMPETITION.—The head of a contracting agency may include in any contract entered under section 2304a(d)(1)(B) or 2304b(e) of title 10, United States Code, a clause setting aside a specific share of awards under such contract pursuant to a competition that is limited to small business concerns, if the head of the contracting agency determines that such limitation is necessary to comply with the congressional policy stated in subparagraph (A).

''(C) REPORT REQUIREMENT.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Administrator shall submit a report on the level of participation of small business concerns in multiple-award contracts, including Federal Supply Schedule contracts, to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

''(ii) CONTENTS.—The report required by clause (i) shall include, for the most recent 2-year period for which data are available—

''(I) the total number of multiple-award contracts;

''(II) the total number of small business concerns that received multiple-award contracts;

''(III) the total number of orders under multiple-award contracts;

''(IV) the total value of orders under multiple-award contracts;

''(V) the number of orders received by small business concerns under multiple-award contracts;

''(VI) the value of orders received by small business concerns under multiple-award contracts;

''(VII) the number of small business concerns that received orders under multiple-award contracts; and

''(VIII) such other information as may be relevant.''.

AMENDMENT NO. 2531

(Purpose: To address research and development efforts for purposes of small business research)

On page 218, strike line 1 and all that follows through page 220, line 5, and insert the following:

SEC. 814. RESEARCH AND DEVELOPMENT EFFORTS FOR PURPOSES OF SMALL BUSINESS RESEARCH.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(x) RESEARCH AND DEVELOPMENT FOCUS.—

''(1) REVISION AND UPDATE OF CRITERIA AND PROCEDURES OF IDENTIFICATION.—In carrying out subsection (g), the Secretary of Defense shall, not less often than once every 4 years, revise and update the criteria and procedures utilized to identify areas of the research and development efforts of the Department of Defense which are suitable for the provision of funds under the Small Business Innovation Research Program and the Small Business Technology Transfer Program.

''(2) UTILIZATION OF PLANS.—The criteria and procedures described in paragraph (1) shall be developed through the use of the most current versions of the following plans:

''(A) The joint warfighting science and technology plan required under section 270 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 2501 note).

''(B) The Defense Technology Area Plan of the Department of Defense.

''(C) The Basic Research Plan of the Department of Defense.

''(3) INPUT IN IDENTIFICATION OF AREAS OF EFFORT.—The criteria and procedures described in paragraph (1) shall include input in the identification of areas of research and development efforts described in that paragraph from Department of Defense program managers (PMs) and program executive officers (PEOs).

''(y) COMMERCIALIZATION PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary of Defense and the Secretary of each military department is authorized to create and administer

a 'Commercialization Pilot Program' to accelerate the transition of technologies, products, and services developed under the Small Business Innovation Research Program to Phase III, including the acquisition process.

''(2) IDENTIFICATION OF RESEARCH PROGRAMS FOR ACCELERATED TRANSITION TO ACQUISITION PROCESS.—In carrying out the Commercialization Pilot Program, the Secretary of Defense and the Secretary of each military department shall identify research programs of the Small Business Innovation Research Program that have the potential for rapid transitioning to Phase III and into the acquisition process.

''(3) LIMITATION.—No research program may be identified under paragraph (2), unless the Secretary of the military department concerned certifies in writing that the successful transition of the program to Phase III and into the acquisition process is expected to meet high priority military requirements of such military department.

''(4) FUNDING.—For payment of expenses incurred to administer the Commercialization Pilot Program under this subsection, the Secretary of Defense and each Secretary of a military department is authorized to use not more than an amount equal to 1 percent of the funds available to the Department of Defense or the military department pursuant to the Small Business Innovation Research Program. Such funds—

''(A) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

''(B) shall not be used to make Phase III awards.

''(5) EVALUATIVE REPORT.—At the end of each fiscal year, the Secretary of Defense and each Secretary of a military department shall submit to the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Armed Services and the Committee on Small Business of the House of Representatives an evaluative report regarding activities under the Commercialization Pilot Program. The report shall include—

''(A) an accounting of the funds used in the Commercialization Pilot Program;

''(B) a detailed description of the Commercialization Pilot Program, including incentives and activities undertaken by acquisition program managers, program executive officers, and by prime contractors; and

''(C) a detailed compilation of results achieved by the Commercialization Pilot Program, including the number of small business concerns assisted and a number of inventions commercialized.

''(6) SUNSET.—The pilot program under this subsection shall terminate at the end of fiscal year 2009.''.

(b) IMPLEMENTATION OF EXECUTIVE ORDER 13329.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (b)—

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(8) to provide for and fully implement the tenets of Executive Order 13329 (Encouraging Innovation in Manufacturing).'';

(2) in subsection (g)—

(A) in paragraph (9), by striking ''and'' at the end;

(B) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(11) provide for and fully implement the tenets of Executive Order 13329 (Encouraging Innovation in Manufacturing).''; and

(3) in subsection (o)—

(A) in paragraph (14), by striking ''and'' at the end;

(B) in paragraph (15), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(16) provide for and fully implement the tenets of Executive Order 13329 (Encouraging Innovation in Manufacturing).''.

(c) TESTING AND EVALUATION AUTHORITY.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) the term 'commercial applications' shall not be construed to exclude testing and evaluation of products, services, or technologies for use in technical or weapons systems, and further, awards for testing and evaluation of products, services, or technologies for use in technical or weapons systems may be made in either the second or the third phase of the Small Business Innovation Research Program and of the Small Business Technology Transfer Program, as defined in this subsection.''.

AMENDMENT NO. 2532

(Purpose: To clarify that the Small Business Administration has authority to provide disaster relief for small business concerns damaged by drought)

On page 237, after line 17, insert the following:

SEC. 846. DISASTER RELIEF FOR SMALL BUSINESS CONCERNS DAMAGED BY DROUGHT.

(a) DROUGHT DISASTER AUTHORITY.—

(1) DEFINITION OF DISASTER.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting ''(1)'' after ''(k)''; and

(B) by adding at the end the following:

''(2) For purposes of section 7(b)(2), the term 'disaster' includes—

''(A) drought; and

''(B) below average water levels in the Great Lakes, or on any body of water in the United States that supports commerce by small business concerns.''.

(2) DROUGHT DISASTER RELIEF AUTHORITY.—Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended—

(A) by inserting ''(including drought), with respect to both farm-related and nonfarm-related small business concerns,'' before ''if the Administration''; and

(B) in subparagraph (B), by striking ''the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961)'' and inserting the following: ''section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961), in which case, assistance under this paragraph may be provided to farm-related and nonfarm-related small business concerns, subject to the other applicable requirements of this paragraph''.

(b) LIMITATION ON LOANS.—From funds otherwise appropriated for loans under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), not more than $9,000,000 may be used during each of fiscal years 2005 through 2008, to provide drought disaster loans to nonfarm-related small business concerns in accordance with this section and the amendments made by this section.

(c) PROMPT RESPONSE TO DISASTER REQUESTS.—Section 7(b)(2)(D) of the Small Business Act (15 U.S.C. 636(b)(2)(D)) is amended by striking ''Upon receipt of such certification, the Administration may'' and inserting ''Not later than 30 days after the date of receipt of such certification by a Governor of a State, the Administration shall respond in writing to that Governor on its determination and the reasons therefore, and may''.

(d) RULEMAKING.—Not later than 45 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall promulgate final rules to carry out this section and the amendments made by this section.

AMENDMENT NO. 2533

(Purpose: To require the Secretary of Defense to maintain a website listing information on Federal contractor misconduct, and to require a report on Federal sole source contracts related to Iraq reconstruction)

At the appropriate place in title VIII, insert the following:

SEC. . ENSURING TRANSPARENCY IN FEDERAL CONTRACTING.

(a) PUBLICATION OF INFORMATION ON FEDERAL CONTRACTOR PENALTIES AND VIOLATIONS.—

(1) The Secretary of Defense shall maintain a publicly-available website that provides information on instances in which major contractors have been fined, paid penalties or restitution, settled, pled guilty to, or had judgments entered against them in connection with allegations of improper conduct. The website shall be updated not less than once a year.

(2) For the purpose of this subsection, a major contractor is a contractor that receives at least $100,000,000 in Federal contracts in the most recent fiscal year for which data are available.

(b) REPORT ON FEDERAL SOLE SOURCE CONTRACTS RELATED TO IRAQ RECONSTRUCTION.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to Congress a report on all sole source contracts in excess of $2,000,000 entered into by executive agencies in connection with Iraq reconstruction from January 1, 2003, through the date of the enactment of this Act.

(2) CONTENT.—The report submitted under paragraph (1) shall include the following information with respect to each such contract:

(A) The date the contract was awarded.

(B) The contract number.

(C) The name of the contractor.

(D) The amount awarded.

(E) A brief description of the work to be performed under the contract.

(3) EXECUTIVE AGENCY DEFINED.—In this subsection, the term ''executive agency'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

AMENDMENT NO. 2534

(Purpose: To provide for improved assessment of public-private competition for work performed by civilian employees of the Department of Defense)

On page 213, between lines 2 and 3, insert the following:

SEC. 807. PUBLIC-PRIVATE COMPETITION FOR WORK PERFORMED BY CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) LIMITATION.—Section 2461(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) Notwithstanding subsection (d), a function of the Department of Defense performed by 10 or more civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition process that—

''(i) formally compares the cost of civilian employee performance of that function with the costs of performance by a contractor;

''(ii) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A–76, as implemented on May 29, 2003; and

''(iii) requires continued performance of the function by civilian employees unless the competitive sourcing official concerned determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of $10,000,000 or 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees.

''(B) Any function that is performed by civilian employees of the Department of Defense and is proposed to be reengineered, reorganized, modernized, upgraded, expanded, or changed in order to become more efficient shall not be considered a new requirement for the purpose of the competition requirements in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A–76.

''(C) A function performed by more than 10 Federal Government employees may not be separated into separate functions for the purposes of avoiding the competition requirement in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A–76.

''(D) The Secretary of Defense may waive the requirement for a public-private competition under subparagraph (A) in specific instances if—

''(i) the written waiver is prepared by the Secretary of Defense or the relevant Assistant Secretary of Defense, Secretary of a military department, or head of a Defense Agency;

''(ii) the written waiver is accompanied by a detailed determination that national security interests preclude compliance with the requirement for a public-private competition; and

''(iii) a copy of the waiver is published in the Federal Register within 10 working days after the date on which the waiver is granted, although use of the waiver need not be delayed until its publication.''.

(b) INAPPLICABILITY TO BEST-VALUE SOURCE SELECTION PILOT PROGRAM.—Paragraph (5) of section 2461(b) of title 10, United States Code, as added by subsection (a), shall not apply with respect to the pilot program for best-value source selection for performance of information technology services authorized by section 336 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1444; 10 U.S.C. 2461 note).

(c) REPEAL OF SUPERSEDED LAW.—Section 327 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 2461 note) is repealed.

SEC. 808. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.

(a) GUIDELINES.—

(1) IN GENERAL.—The Secretary of Defense shall prescribe guidelines and procedures for ensuring that consideration is given to using Federal Government employees on a regular basis for work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) CRITERIA.—The guidelines and procedures prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) were not awarded on a competitive basis; or

(D) have been determined by a contracting officer to be poorly performed due to excessive costs or inferior quality.

(b) NEW REQUIREMENTS.—

(1) LIMITATION ON REQUIRING PUBLIC-PRIVATE COMPETITION.—No public-private competition may be required under Office of Management and Budget Circular A–76 or any other provision of law or regulation before the performance of a new requirement by Federal Government employees commences, the performance by Federal Government employees of work pursuant to subsection (a) commences, or the scope of an existing activity performed by Federal Government employees is expanded. Office of Management and Budget Circular A–76 shall be revised to ensure that the heads of all Federal agencies give fair consideration to the performance of new requirements by Federal Government employees.

(2) CONSIDERATION OF FEDERAL GOVERNMENT EMPLOYEES.—The Secretary of Defense shall, to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) USE OF FLEXIBLE HIRING AUTHORITY.—The Secretary shall include the use of the flexible hiring authority available through the National Security Personnel System in order to facilitate performance by Federal Government employees of new requirements and work that is performed under Department of Defense contracts.

(d) INSPECTOR GENERAL REPORT.—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) DEFINITIONS.—In this section:

(1) The term ''National Security Personnel System'' means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term ''inherently governmental function'' has the meaning given that term in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

AMENDMENT NO. 2535

(Purpose: To express the sense of Congress that the President should take immediate steps to establish a plan to address the military and economic development of China)

At the appropriate place, insert the following:

SEC. _____. THE UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION.

(a) FINDINGS.—Congress finds the following:

(1) The 2004 Report to Congress of the United States-China Economic and Security Review Commission states that—

(A) China's State-Owned Enterprises (SOEs) lack adequate disclosure standards, which creates the potential for United States investors to unwittingly contribute to enterprises that are involved in activities harmful to United States security interests;

(B) United States influence and vital long-term interests in Asia are being challenged by China's robust regional economic engagement and diplomacy;

(C) the assistance of China and North Korea to global ballistic missile proliferation is extensive and ongoing;

(D) China's transfers of technology and components for weapons of mass destruction (WMD) and their delivery systems to countries of concern, including countries that support acts of international terrorism, has helped create a new tier of countries with the capability to produce WMD and ballistic missiles;

(E) the removal of the European Union arms embargo against China that is currently under consideration in the European Union would accelerate weapons modernization and dramatically enhance Chinese military capabilities;

(F) China is developing a leading-edge military with the objective of intimidating Taiwan and deterring United States involvement in the Strait, and China's qualitative and quantitative military advancements have already resulted in a dramatic shift in the cross-Strait military balance toward China; and

(G) China's growing energy needs are driving China into bilateral arrangements that undermine multilateral efforts to stabilize oil supplies and prices, and in some cases may involve dangerous weapons transfers.

(2) On March 14, 2005, the National People's Congress approved a law that would authorize the use of force if Taiwan formally declares independence.

(b) SENSE OF CONGRESS.—

(1) PLAN.—It is the sense of Congress that the President should take immediate steps to establish a coherent and comprehensive plan to address the emergence of China economically, diplomatically, and militarily, to promote mutually beneficial trade relations with China, and to encourage China's adherence to international norms in the areas of trade, international security, and human rights.

(2) CONTENTS.—The plan should contain the following:

(A) Actions to address China's policy of undervaluing its currency, including—

(i) encouraging China to continue to upwardly revalue the Chinese yuan against the United States dollar;

(ii) allowing the yuan to float against a trade-weighted basket of currencies; and

(iii) concurrently encouraging United States trading partners with similar interests to join in these efforts.

(B) Actions to make better use of the World Trade Organization (WTO) dispute settlement mechanism and applicable United States trade laws to redress China's trade practices, including exchange rate manipulation, denial of trading and distribution rights, insufficient intellectual property rights protection, objectionable labor standards, subsidization of exports, and forced technology transfers as a condition of doing business. The United States Trade Representative should consult with our trading partners regarding any trade dispute with China.

(C) Actions to encourage United States diplomatic efforts to identify and pursue initiatives to revitalize United States engagement in East Asia. The initiatives should have a regional focus and complement bilateral efforts. The Asia-Pacific Economic Cooperation forum (APEC) offers a ready mechanism for pursuit of such initiatives.

(D) Actions by the administration to work with China to prevent proliferation of prohibited technologies and to secure China's agreement to renew efforts to curtail North Korea's commercial export of ballistic missiles.

(E) Actions by the Secretaries of State and Energy to consult with the International Energy Agency with the objective of upgrading the current loose experience-sharing arrangement whereby China engages in some limited exchanges with the organization, to a more structured arrangement.

(F) Actions by the administration to develop a coordinated, comprehensive national policy and strategy designed to maintain United States scientific and technological leadership and competitiveness, in light of the rise of China and the challenges of globalization.

(G) Actions to review laws and regulations governing the Committee on Foreign Investment in the United States (CFIUS), including exploring whether the definition of national security should include the potential impact on national economic security as a criterion to be reviewed, and whether the chairmanship of CFIUS should be transferred from the Secretary of the Treasury to a more appropriate executive branch agency.

(H) Actions by the President and the Secretaries of State and Defense to press strongly their European Union counterparts to maintain the EU arms embargo on China.

(I) Actions by the administration to discourage foreign defense contractors from selling sensitive military use technology or weapons systems to China. The administration should provide a comprehensive annual report to the appropriate committees of Congress on the nature and scope of foreign military sales to China, particularly sales by Russia and Israel.

AMENDMENT NO. 2536

(Purpose: To require a report on the development and utilization by the Department of Defense of robotics and unmanned ground vehicle systems)

At the end of subtitle E of title II, add the following:

SEC. ___. REPORT ON DEVELOPMENT AND USE OF ROBOTICS AND UNMANNED GROUND VEHICLE SYSTEMS.

(a) REPORT REQUIRED.—Not later than nine months after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the development and utilization of robotics and unmanned ground vehicle systems by the Department of Defense.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the utilization of robotics and unmanned ground vehicle systems in current military operations.

(2) A description of the manner in which the development of robotics and unmanned ground vehicle systems capabilities supports current major acquisition programs of the Department of Defense.

(3) A detailed description, including budget estimates, of all Department programs and activities on robotics and unmanned ground vehicle systems for fiscal years 2004 through 2012, including programs and activities relating to research, development, test and evaluation, procurement, and operation and maintenance.

(4) A description of the long-term research and development strategy of the Department on technology for the development and integration of new robotics and unmanned ground vehicle systems capabilities in support of Department missions.

(5) A description of any planned demonstration or experimentation activities of the Department that will support the development and deployment of robotics and unmanned ground vehicle systems by the Department.

(6) A statement of the Department organizations currently participating in the development of new robotics or unmanned ground vehicle systems capabilities, including the specific missions of each such organization in such efforts.

(7) A description of the activities of the Department to collaborate with industry, academia, and other Government and non-government organizations in the development of new capabilities in robotics and unmanned ground vehicle systems.

(8) An assessment of the short-term and long-term ability of the industrial base of the United States to support the production of robotics and unmanned ground vehicle systems to meet Department requirements.

(9) An assessment of the progress being made to achieve the goal established by section 220(a)(2) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–38) that, by 2015, one-third of operational ground combat vehicles be unmanned.

(10) An assessment of international research, technology, and military capabilities in robotics and unmanned ground vehicle systems.

AMENDMENT NO. 2537

(Purpose: To modify and extend the pilot program on share-in-savings contracts)

At the end of subtitle A of title VIII, add the following:

SEC. ___. MODIFICATION AND EXTENSION OF PILOT PROGRAM ON SHARE-IN-SAVINGS CONTRACTS.

(a) INCLUSION OF INFORMATION TECHNOLOGY IMPROVEMENTS IN SHARE-IN-SAVINGS.—Paragraph (1) of subsection (a) of section 2332 of title 10, United States Code, is amended by adding at the end the following new sentence: ''Each such contract shall provide that the contractor shall incur the cost of implementing information technology improvements, including costs incurred in acquiring, installing, maintaining, and upgrading information technology equipment and training personnel in the use of such equipment, in exchange for a share of any savings directly resulting from the implementation of such improvements during the term of the contract.''.

(b) CONTRACT PERFORMANCE EVALUATION.—Such subsection is further amended—

(1) in paragraph (3), by striking '', to the maximum extent practicable,'';

(2) by striking paragraph (4);

(3) by redesignating paragraph (5) as paragraph (7); and

(4) inserting after paragraph (3) the following new paragraphs:

''(4) The head of an agency that enters into contracts pursuant to the authority of this section shall establish a panel of employees of such agency, independent of any program office or contracting office responsible for awarding and administering such contracts, for the purpose of verifying performance baselines and methodologies for calculating savings resulting from the implementation of information technology improvements under such contracts. Employees assigned to any such panel shall have experience and expertise appropriate for the duties of such panel.

''(5) Each contract awarded pursuant to the authority of this section shall include a provision containing a quantifiable baseline of current and projected costs, a methodology for calculating actual costs during the period of performance, and a savings share ratio governing the amount of payments the contractor is to receive under such contract that are certified by a panel established pursuant to paragraph (4) to be financially sound and based on the best available information.

''(6) Each contract awarded pursuant to the authority of this section shall—

''(A) provide that aggregate payments to the contractor may not exceed the amount the agency would have paid, in accordance with the baseline of current and projected costs incorporated in such contract, during the period covered by such contract; and

''(B) require an independent annual audit of actual costs in accordance with the methodology established under paragraph (5)(B), which shall serve as a basis for annual payments based on savings share ratio established in such contract.''.

(c) EXTENSION OF PILOT PROGRAM.—Such section is further amended—

(1) in subsection (b)(3)(B), by striking ''fiscal years 2003, 2004, and 2005'' and inserting ''fiscal years 2003 through 2007''; and

(2) in subsection (d), by striking ''September 30, 2005'' and inserting ''September 30, 2007''.

(d) REPORTS TO CONGRESS.—

(1) SECRETARY OF DEFENSE REPORTS.—Not later than March 31, 2006, and each year thereafter until the year after the termination of the pilot program under section 2332 of title 10, United States Code (as amended by subsection (a)), the Secretary of Defense shall submit to Congress a report containing a list of each contract entered into by each Federal agency under such section during the preceding year that contains terms providing for the contractor to implement information technology improvements in exchange for a share of the savings derived from the implementation of such improvements. The report shall set forth, for each contract listed—

(A) the information technology performance acquired by reason of the improvements concerned;

(B) the total amount of payments made to the contractor during the year covered by the report; and

(C) the total amount of savings or other measurable benefits realized by the Federal agency during such year as a result of such improvements.

(2) COMPTROLLER GENERAL REPORTS.—Not later than two months after the Secretary submits a report required by paragraph (1), the Comptroller General of the United States shall submit to Congress a report on the costs and benefits to the United States of the implementation of the technology improvements under the contracts covered by such report, together with such recommendations as the Comptroller General considers appropriate.

AMENDMENT NO. 2538

(Purpose: To provide for the supervision and management of the Defense Business Transformation Agency)

At the end of subtitle C of title III, add the following:

SEC. ___. SUPERVISION AND MANAGEMENT OF DEFENSE BUSINESS TRANSFORMATION AGENCY.

Section 192 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) SPECIAL RULE FOR DEFENSE BUSINESS TRANSFORMATION AGENCY.—(1) The Defense Business Transformation Agency shall be supervised by the vice chairman of the Defense Business System Management Committee.

''(2) Notwithstanding the results of any periodic review under subsection (c) with regard to the Defense Business Transformation Agency, the Secretary of Defense shall designate that the Agency be managed cooperatively by the Deputy Under Secretary of Defense for Business Transformation and the Deputy Under Secretary of Defense for Financial Management.''.

AMENDMENT NO. 2539

(Purpose: To make available, with an offset, an additional $45,000,000 for aircraft procurement for the Air Force for the procurement of one C–37B aircraft)

At the end of Subtitle D of title I, add the following:

SEC. 138. C–37B AIRCRAFT.

(a) ADDITIONAL AMOUNT FOR AIRCRAFT PROCUREMENT, AIR FORCE.—The amount authorized to be appropriated by section 103(1) for aircraft procurement for the Air Force is hereby increased by $45,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 103(1) for aircraft for the Air Force, as increased by subsection (a), up to $45,000,000 may be used for the procurement of one C–37B aircraft.

(c) OFFSET.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby reduced by $25,000,000 and the amount authorized to be appropriated by section 301(5) for O&M, defensewide is hereby reduced by $20,000,000.

AMENDMENT NO. 2540

(Purpose: To designate certain financial assistance for cadets at military junior colleges as Ike Skelton Early Commissioning Program Scholarships)

At the end of subtitle F of title V, insert the following:

SEC. ___. DESIGNATION OF IKE SKELTON EARLY COMMISSIONING PROGRAM SCHOLARSHIPS.

Section 2107a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j) Financial assistance provided under this section to a cadet appointed at a military junior college is designated as, and shall be known as, an 'Ike Skelton Early Commissioning Program Scholarship'.''.

AMENDMENT NO. 2541

(Purpose: To modify eligibility for the position of President of the Naval Postgraduate School)

At the end of subtitle H of title V, add the following:

SEC. ___. MODIFICATION OF ELIGIBILITY FOR POSITION OF PRESIDENT OF THE NAVAL POSTGRADUATE SCHOOL.

Subsection (a) of section 7042 of title 10, United States Code, is amended to read as follows:

''(a)(1) The President of the Naval Postgraduate School shall be one of the following:

''(A) An officer of the Navy not below the grade of rear admiral (lower half) who is detailed to such position.

''(B) A civilian individual having qualifications appropriate to the position of President of the Naval Postgraduate School who is appointed to such position.

''(2) The President of the Naval Postgraduate School shall be detailed or assigned to such position under paragraph (1) by the Secretary of the Navy, upon the recommendation of the Chief of Naval Operations.

''(3) An individual assigned as President of the Naval Postgraduate School under paragraph (1)(B) shall serve in such position for a term of not more than five years.''.

AMENDMENT NO. 2542

(Purpose: To provide an additional death gratuity to the eligible survivors of servicemembers who died between October 7, 2001, and May 11, 2005, from noncombat-related causes while on active duty)

On page 167, between lines 6 and 7, insert the following:

(c) ADDITIONAL DEATH GRATUITY.—In the case of an active duty member of the armed forces who died between October 7, 2001, and May 11, 2005, and was not eligible for an additional death gratuity under section 1478(e)(3)(A) of title 10, United States Code (as added by section 1013(b) of Public Law 109–13), the eligible survivors of such decedent shall receive, in addition to the death gratuity available to such survivors under section 1478(a) of such title, an additional death gratuity of $150,000 under the same conditions as provided under section 1478(e)(4) of such title.

AMENDMENT NO. 2543

(Purpose: To express the sense of the Senate with regard to aeronautics research and development)

At the end of subtitle G of title X, insert:

SEC. ___. SENSE OF SENATE ON AERONAUTICS RESEARCH AND DEVELOPMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) The advances made possible by Government-funded research in emerging aeronautics technologies have enabled long-standing military air superiority for the United States in recent decades.

(2) Military aircraft incorporate advanced technologies developed at research centers of the National Aeronautics and Space Administration.

(3) The vehicle systems program of the National Aeronautics and Space Administration has provided major technology advances that have been used in every major civil and military aircraft developed over the last 50 years.

(4) It is important for the cooperative research efforts of the National Aeronautics and Space Administration and the Department of Defense that funding of research on military aviation technologies be robust.

(5) Recent National Aeronautics and Space Administration and independent studies have demonstrated the competitiveness, scientific merit, and necessity of existing aeronautics programs.

(6) The economic and military security of the United States is enhanced by the continued development of improved aeronautics technologies.

(7) A national effort is needed to ensure that the National Aeronautics and Space Administration can help meet future aviation needs.

(b) SENSE OF SENATE.—It is the sense of the Senate that it is in the national security interest of the United States to maintain a strong aeronautics research and development program within the Department of Defense and the National Aeronautics and Space Administration.

AMENDMENT NO. 2544

(Purpose: To modify the limited acquisition authority for the commander of the United States Joint Forces Command)

At the end of subtitle E of title VIII, add the following:

SEC. ___. MODIFICATION OF LIMITED ACQUISITION AUTHORITY FOR THE COMMANDER OF THE UNITED STATES JOINT FORCES COMMAND.

(a) SCOPE OF AUTHORITY.—Subsection (a) of section 167a of title 10, United States Code, is amended by striking and ''and acquire'' and inserting '', acquire, and sustain''.

(b) INAPPLICABILITY TO CERTAIN SYSTEMS FUNDED WITH OPERATION AND MAINTENANCE FUNDS.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(3) the total expenditure for operation and maintenance is estimated to be $2,000,000 or more.''.

(c) EXTENSION OF AUTHORITY.—Subsection (f) of such section is amended—

(1) by striking ''through 2006'' and inserting ''through 2009''; and

(2) by striking ''September 30, 2006'' and inserting ''September 30, 2009''.

AMENDMENT NO. 2545

(Purpose: To authorize certain emergency supplemental authorizations for the Department of Defense)

At the end of subtitle A of title X, add the following:

SEC. ___. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE.

(a) FIRST EMERGENCY SUPPLEMENTAL TO MEET NEEDS ARISING FROM HURRICANE KATRINA.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2005 in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorized amount are increased by a supplemental appropriation, or by a transfer of funds, pursuant to the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109–61).

(b) SECOND EMERGENCY SUPPLEMENTAL TO MEET NEEDS ARISING FROM HURRICANE KATRINA.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2005 in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorized amount are increased by a supplemental appropriation, or by a transfer of funds, pursuant to the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109–62).

(c) SUPPLEMENTAL APPROPRIATIONS FOR AVIAN FLU PREPAREDNESS.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in this Act are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorized amount are increased by a supplemental appropriation, or by a transfer of funds, arising from the proposal of the Administration relating to avian flu preparedness that was submitted to Congress on November 1, 2006.

(d) AMOUNTS REALLOCATED FOR HURRICANE-RELATED DISASTER RELIEF.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in this Act are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorized amount are increased by a reallocation of funds from the Disaster Relief Fund (DRF) of the Federal Emergency Management Agency arising from the proposal of the Director of the Office of Management and Budget on the reallocation of amounts for hurricane-related disaster relief that was submitted to the President on October 28, 2005, and transmitted to the Speaker of the House of Representatives on that date.

(e) AMOUNTS FOR HUMANITARIAN ASSISTANCE FOR EARTHQUAKE VICTIMS IN PAKISTAN.—There is authorized to be appropriated as emergency supplemental appropriations for the Department of Defense for fiscal year 2006, $40,000,000 for the use of the Department of Defense for overseas, humanitarian, disaster, and civic aid for the purpose of providing humanitarian assistance to the victims of the earthquake that devastated northern Pakistan on October 8, 2005.

(f) REPORTS ON USE OF CERTAIN FUNDS.—

(1) REPORT ON USE OF EMERGENCY SUPPLEMENTAL FUNDS.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the obligation and expenditure, as of that date, of any funds appropriated to the Department of Defense for fiscal year 2005 pursuant to the Acts referred to in subsections (a) and (b) as authorized by such subsections. The report shall set forth—

(A) the amounts so obligated and expended; and

(B) the purposes for which such amounts were so obligated and expended.

(2) REPORT ON EXPENDITURE OF REIMBURSABLE FUNDS.—The Secretary shall include in the report required by paragraph (1) a statement of any expenditure by the Department of Defense of funds that were reimbursable by the Federal Emergency Management Agency, or any other department or agency of the Federal Government, from funds appropriated in an Act referred to in subsection (a) or (b) to such department or agency.

(3) REPORT ON USE OF CERTAIN OTHER FUNDS.—Not later than May 15, 2006, and quarterly thereafter through November 15, 2006, the Secretary shall submit to the congressional defense committees a report on the obligation and expenditure, during the previous fiscal year quarter, of any funds appropriated to the Department of Defense as specified in subsection (c) and any funds reallocated to the Department as specified in subsection (d). Each report shall, for the fiscal year quarter covered by such report, set forth—

(A) the amounts so obligated and expended; and

(B) the purposes for which such amounts were so obligated and expended.

(g) REPORT ON ASSISTANCE FOR EARTHQUAKE VICTIMS IN PAKISTAN.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing Department of Defense efforts to provide relief to victims of the earthquake that devastated northern Pakistan on October 8, 2005, and assessing the need for further reconstruction and relief assistance.

AMENDMENT NO. 2546

(Purpose: To express the sense of the Senate on certain matters relating to the National Guard and Reserves)

At the end of subtitle C of title V, add the following:

SEC. ___. SENSE OF SENATE ON CERTAIN MATTERS RELATING TO THE NATIONAL GUARD AND RESERVES.

It is the sense of the Senate—

(1) to recognize the important and integral role played by members of the Active Guard and Reserve and military technicians (dual status) in the efforts of the Armed Forces; and

(2) to urge the Secretary of Defense to promptly resolve issues relating to appropriate authority for payment of reenlistment bonsuses stemming from reenlistment contracts entered into between January 14, 2005, and April 17, 2005, involving members of the Army National Guard and military technicians (dual status).

AMENDMENT NO. 2547

(Purpose: To authorize the disposal of ferromanganese from the National Defense Stockpile)

At the end of title XXXIII of division C, add the following:

SEC. 3302. DISPOSAL OF FERROMANGANESE.

(a) DISPOSAL AUTHORIZED.—The Secretary of Defense may dispose of up to 75,000 tons of ferromanganese from the National Defense Stockpile during fiscal year 2006.

(b) CONTINGENT AUTHORITY FOR ADDITIONAL DISPOSAL.—If the Secretary of Defense completes the disposal of the total quantity of ferromanganese authorized for disposal by subsection (a) before September 30, 2006, the Secretary of Defense may dispose of up to an additional 25,000 tons of ferromanganese from the National Defense Stockpile before that date.

(c) CERTIFICATION.—The Secretary of Defense may dispose of ferromanganese under the authority of subsection (b) only if the Secretary submits written certification to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, not later than 30 days before the commencement of disposal, that—

(1) the disposal of the additional ferromanganese from the National Defense Stockpile is in the interest of national defense;

(2) the disposal of the additional ferromanganese will not cause undue disruption to the usual markets of producers and processors of ferromanganese in the United States; and

(3) the disposal of the additional ferromanganese is consistent with the requirements and purpose of the National Defense Stockpile.

(d) DELEGATION OF RESPONSIBILITY.—The Secretary of Defense may delegate the responsibility of the Secretary under subsection (c) to an appropriate official within the Department of Defense.

(e) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

AMENDMENT NO. 2548

(Purpose: To improve the Armament Retooling and Manufacturing Support Initiative)

At the end of subtitle C of title III, add the following:

SEC. ___. ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE MATTERS.

(a) INCLUSION OF ADDITIONAL FACILITIES WITHIN INITIATIVE.—Section 4551(2) of title 10, United States Code, is amended by inserting '', or a Government-owned, contractor-operated depot for the storage, maintenance, renovation, or demilitarization of ammunition,'' after ''manufacturing facility''.

(b) ADDITIONAL CONSIDERATION FOR USE OF FACILITIES.—Section 4554(b)(2) of such title is amended by adding at the end the following new subparagraph:

''(D) The demilitarization and storage of conventional ammunition.''.

AMENDMENT NO. 2549

(Purpose: To require the Secretary of Defense to consult with appropriate State and local entities on transportation, utility infrastructure, housing, schools, and family support activities related to the planned addition of personnel or facilities to existing military installations in connection with the closure or realignment of military installations as part of the 2005 round of defense base closure and realignment)

At the end of subtitle D of title XXVIII of division B, add the following:

SEC. 2887. REQUIRED CONSULTATION WITH STATE AND LOCAL ENTITIES ON TRANSPORTATION, HOUSING, AND OTHER INFRASTRUCTURE ISSUES RELATED TO THE ADDITION OF PERSONNEL OR FACILITIES AT MILITARY INSTALLATIONS AS PART OF 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

Section 2905(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

''(3) In carrying out any closure or realignment under this part that would add personnel or facilities to an existing military installation, the Secretary shall consult with appropriate State and local entities on matters affecting the local community related to transportation, utility infrastructure, housing, schools, and family support activities during the development of plans to implement such closure or realignment.''.

AMENDMENT NO. 2550

(Purpose: To express the sense of the Senate on reversionary interests at Navy homeports)

At the end of subtitle D of title XXVIII of division B, add the following:

SEC. 2887. SENSE OF THE SENATE ON REVERSIONARY INTERESTS AT NAVY HOMEPORTS.

It is the sense of the Senate that, in implementing the decisions made with respect to Navy homeports as part of the 2005 round of defense base closure and realignment, the Secretary of the Navy should, consistent with the national interest and Federal policy supporting cost-free conveyances of Federal surplus property suitable for use as port facilities, release or otherwise relinquish any entitlement to receive, pursuant to any agreement providing for such payment, compensation from any holder of a reversionary interest in real property used by the United States for improvements made to any military installation that is closed or realigned as part of such base closure round.

AMENDMENT NO. 2551

(Purpose: To require a report on claims related to the bombing of the LaBelle Discotheque in Berlin, Germany)

At the end of subtitle G of title X, add the following:

SEC. 1073. REPORT ON CLAIMS RELATED TO THE BOMBING OF THE LABELLE DISCOTHEQUE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Government of Libya should be commended for the steps the Government has taken to renounce terrorism and to eliminate Libya's weapons of mass destruction and related programs; and

(2) an important priority for improving relations between the United States and Libya should be a good faith effort on the part of the Government of Libya to resolve the claims of members of the Armed Forces of the United States and other United States citizens who were injured in the bombing of the LaBelle Discotheque in Berlin, Germany that occurred in April 1986, and of family members of members of the Armed Forces of the United States who were killed in that bombing.

(b) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the status of negotiations between the Government of Libya and United States claimants in connection with the bombing of the LaBelle Discotheque in Berlin, Germany

that occurred in April 1986, regarding resolution of their claims. The report shall also include information on efforts by the Government of the United States to urge the Government of Libya to make a good faith effort to resolve such claims.

(2) UPDATE.—Not later than one year after enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees an update of the report required by paragraph (1).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives.

AMENDMENT NO. 2552

(Purpose: To provide that none of the funds authorized to be appropriated to the Department of Energy under this Act may be made available for the Robust Nuclear Earth Penetrator)

On page 378, between lines 10 and 11, insert the following:

SEC. 3114. PROHIBITION ON USE OF FUNDS FOR ROBUST NUCLEAR EARTH PENETRATOR.

None of the funds authorized to be appropriated to the Department of Energy under this Act may be made available for the Robust Nuclear Earth Penetrator.

AMENDMENT NO. 2553

(Purpose: To require the identification of environmental conditions at military installations closed or realigned as part of the 2005 round of defense base closure and realignment)

At the end of subtitle D of title XXVIII of division B, add the following:

SEC. 2887. IDENTIFICATION OF ENVIRONMENTAL CONDITIONS AT MILITARY INSTALLATIONS CLOSED OR REALIGNED UNDER 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) IDENTIFICATION OF ENVIRONMENTAL CONDITION OF PROPERTY.—

(1) IN GENERAL.—Not later than May 31, 2007, the Secretary of Defense, in consultation with the Administrator of the Environmental Protection Agency, other appropriate Federal agencies, and State, tribal, and local government officials, shall complete an identification of the environmental condition of the real property (including groundwater) of each military installation approved for closure or realignment under the 2005 round of defense base closure and realignment in accordance with section 120(h)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(4)).

(2) RESULTS.—

(A) IN GENERAL.—As soon as practicable after the date on which an identification under paragraph (1) is completed, the Secretary of Defense shall—

(i) provide a notice of the results of the identification to—

(I) the Administrator of the Environmental Protection Agency;

(II) the head of any other appropriate Federal agency, as determined by the Secretary; and

(III) any affected State or tribal government official, as determined by the Secretary; and

(ii) publish in the Federal Register the results of the identification.

(B) REQUEST FOR CONCURRENCE.—The Secretary shall include in a notice provided under subclause (I) or (III) of subparagraph (A)(i) a request for concurrence with the identification in such form as the Secretary determines to be appropriate.

(3) CONCURRENCE.—

(A) IN GENERAL.—An identification under paragraph (1) shall not be considered to be complete until—

(i) for a property that is a site, or part of a site, on the National Priorities List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)), the date on which the Administrator of the Environmental Protection Agency and each appropriate State and tribal government official concur with the identification; and

(ii) for any property that is not a site described in clause (i), the date on which each appropriate State and tribal government official concurs with the identification.

(B) FAILURE TO ACT.—The Administrator, or a State or tribal government official, shall be considered to concur with an identification under paragraph (1) if the Administrator or government official fails to make a determination with respect to a request for concurrence with such identification under paragraph (2)(B) by not later than 90 days after the date on which such request for concurrence is received.

(b) EXPEDITING ENVIRONMENTAL RESPONSE.—The Secretary of Defense shall coordinate with appropriate Federal, State, tribal, and local governmental officials, as determined by the Secretary, to expedite environmental response at military installations approved for closure or realignment under the 2005 round of defense base closure and realignment.

(c) REPORT.—The Secretary shall submit to Congress, as part of each annual report under section 2706 of title 10, United States Code, a report describing any progress made in carrying out this section.

(d) EFFECT OF SECTION.—Nothing in this section affects any obligation of the Secretary with respect to any other Federal or State requirement relating to—

(1) the environment; or

(2) the transfer of property.

AMENDMENT NO. 2554

(Purpose: To express the sense of Congress that the Secretary of Defense should not transfer any unit from a military installation that is closed or realigned until adequate facilities and infrastructure necessary to support such unit and quality of life requirements are ready at the receiving location)

At the end of subtitle D of title XXVIII, add the following:

SEC. 2887. SENSE OF CONGRESS ON LIMITATION ON TRANSFER OF UNITS FROM CLOSED AND REALIGNED MILITARY INSTALLATIONS PENDING READINESS OF RECEIVING LOCATIONS.

(a) FINDINGS.—

(1) The Commission on Review of Overseas Military Facility Structure of the United States, also known as the Overseas Basing Commission, transmitted a report to the President and Congress on August 15, 2005, that discussed considerations for the return to the United States of up to 70,000 service personnel and 100,000 family members and civilian employees from overseas garrisons.

(2) The 2005 Base Closure and Realignment Commission released a report on September 8, 2005, to the President that assessed the closure and realignment decisions of the Department of Defense, which would affect 26,830 military personnel positions.

(3) Both of these reports expressed concerns that massive movements of units, service personnel, and families may disrupt unit operational effectiveness and the quality of life for family members if not carried out with adequate planning and resources.

(4) The 2005 Base Closure and Realignment Commission, in its decision to close Fort Monmouth, included a provision requiring the Secretary of Defense to provide a report that ''movement of organizations, functions, or activities from Fort Monmouth to Aberdeen Proving Ground will be accomplished without disruption of their support to the Global War on Terrorism or other critical contingency operations, and that safeguards exist to ensure that necessary redundant capabilities are put in place to mitigate potential degradation of such support, and to ensure maximum retention of critical workforce''.

(5) The Overseas Basing Commission found that ''base closings at home along with the return of yet additional masses of service members and dependents from overseas will have major impact on local communities and the quality of life that can be expected. Movements abroad from established bases into new locations, or into locations already in use that will be put under pressure by increases in populations, will impact on living conditions.''

(6) The Overseas Basing Commission notes that the four most critical elements of quality of life as they relate to restructuring of the global defense posture are housing, military child education, healthcare, and service member and family services.

(7) The Overseas Basing Commission recommended that ''planners must take a 'last day-first day' approach to the movement of units and families from one location to another'', meaning that they must maintain the support infrastructure for personnel until the last day they are in place and must have the support infrastructure in place on the first day troops arrive in the new location.

(8) The Overseas Basing Commission further recommended that it is ''imperative that the 'last day-first day' approach should be taken whether the movement is abroad from one locale to another, from overseas to the United States, or from one base in CONUS [the continental United States] to yet another as a result of base realignment and closures''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should not transfer any unit from a military installation closed or realigned due to the relocation of forces under the Integrated Global Presence and Basing Strategy or the 2005 round of defense base closure and realignment until adequate facilities and infrastructure necessary to support the unit's mission and quality of life requirements for military families are ready for use at the receiving location.

AMENDMENT NO. 2555

(Purpose: To extend the period for which certain individuals in families that include members of the Reserve and National Guard do not have to reapply for supplemental security income benefits after a period of ineligibility for such benefits)

In title VI, subtitle E, at the end, insert the following:

SEC. ___. EXTENSION OF ELIGIBILITY FOR SSI FOR CERTAIN INDIVIDUALS IN FAMILIES THAT INCLUDE MEMBERS OF THE RESERVE AND NATIONAL GUARD.

Section 1631(j)(1)(B) of the Social Security Act (42 U.S.C. 1383(j)(1)(B)) is amended by inserting ''(24 consecutive months, in the case of such an individual whose ineligibility for benefits under or pursuant to both such sections is a result of being called to active duty pursuant to section 12301(d) or 12302 of title 10, United States Code, or section 502(f) of title 32, United States Code)'' after ''for a period of 12 consecutive months''.

AMENDMENT NO. 2556

(Purpose: To urge the prompt submission of interim reports on residual beryllium contamination at Department of Energy vendor facilities)

On page 378, between lines 10 and 11, insert the following:

SEC. 3114. SENSE OF THE SENATE REGARDING INTERIM REPORTS ON RESIDUAL BERYLLIUM CONTAMINATION AT DEPARTMENT OF ENERGY VENDOR FACILITIES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Section 3169 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 42 U.S.C. 7384 note) requires the National Institute for Occupational Safety and Health to submit, not later than December 31, 2006, an update to the October 2003 report of the Institute on residual beryllium contamination at Department of Energy vendor facilities.

(2) The American Beryllium Company, Tallevast, Florida, machined beryllium for the Department of Energy's Oak Ridge Y-12, Tennessee, and Rocky Flats, Colorado, facilities from 1967 until 1992.

(3) The National Institute for Occupational Safety and Health has completed its evaluation of residual beryllium contamination at the American Beryllium Company.

(4) Workers at the American Beryllium Company and other affected companies should be made aware fo the site-specific results of the study as soon as such results are available.

(b) SENSE OF THE SENATE.—It is the sense of the Senate to urge the Director of the National Institute for Occupational Safety and Health—

(1) to provide to Congress interim reports of residual beryllium contamination at facilities not later than 14 days after completing the internal review of such reports; and

(2) to publish in the Federal Register summaries of the findings of such reports, including the dates of any significant residual beryllium contamination, at such time as the reports are provided to Congress under paragraph (1).

AMENDMENT NO. 2557

(Purpose: To require a report on an expanded partnership between the Department of Defense and the Department of Veterans Affairs for the provision of health care services)

At the end of subtitle B of title VII, add the following:

SEC. ___. COMPTROLLER GENERAL REPORT ON EXPANDED PARTNERSHIP BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS ON THE PROVISION OF HEALTH CARE SERVICES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the feasibility of an expanded partnership between the Department of Defense and the Department of Veterans Affairs for the provision of health care services.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An overview of the current health care systems of the Department of Defense and the Department of Veterans Affairs, including—

(A) the total number of eligible beneficiaries in each system as of September 30, 2005;

(B) the total number of current consumers of health care services in each system as of that date;

(C) the total cost of each system in the most recent fiscal year for which complete cost data for both systems exists;

(D) the annual workload or production of health care by beneficiary category in each system in the most recent fiscal year for which complete data on workload or production of health care for both systems exists;

(E) the total cost of health care by beneficiary category in each system in the most recent fiscal year for which complete cost data for both systems exists;

(F) the total staffing of medical and administrative personnel in each system as of September 30, 2005;

(G) the number and location of facilities, including both hospitals and clinics, operated by each system as of that date; and

(H) the size, capacity, and production of graduate medical education programs in each system as of that date.

(2) A comparative analysis of the characteristics of each health care system, including a determination and comparative analysis of—

(A) the mission of such systems;

(B) the demographic characteristics of the populations served by such systems;

(C) the categories of eligibility for health care services in such systems;

(D) the nature of benefits available by beneficiary category in such systems;

(E) access to and quality of health care services in such systems;

(F) the out-of-pocket expenses for health care by beneficiary category in such systems;

(G) the structure and methods of financing the care for all categories of beneficiaries in such systems;

(H) the management and acquisition of medical equipment and supplies in such systems, including pharmaceuticals and prosthetic and other medical assistive devices;

(I) the mix of health care services available in such systems;

(J) the current inpatient and outpatient capacity of such systems; and

(K) the human resource systems for medical personnel in such systems, including the rates of compensation for civilian employees.

(3) A summary of current sharing efforts between the health care systems of the Department of Defense and the Department of Veterans Affairs.

(4) An assessment of the advantages and disadvantages for military retirees and their dependents participating in the health care system of the Department of Veterans Affairs of an expanded partnership betwen the health care systems of the Department of Defense and the Department of Veterans Affairs, with a separate assessment to be made for—

(A) military retirees and dependents under the age of 65; and

(B) military retirees and dependents over the age of 65.

(5) Projections for the future growth of health care costs for retirees and veterans in the health care systems of the Department of Defense and the Department of Veterans Affairs, including recommendations on mechanisms to ensure more effective and higher quality services in the future for military retirees and veterans now served by both systems.

(6) Options for means of achievinng a more effective partnership between the health care systems of the Department of Defense and the Department of Veterans Affairs, including options for the expansion of, and enhancement of access of military retirees and their dependents to, the health care system of the Department of Veterans Affairs.

(c) SOLICITATION OF VIEW.—In preparing the report required by subsection (a), the Comptroller General shall seek the views of representatives of military family organizations, military retiree organizations, and organizations representing veterans and their families.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services and Veterans Affairs' of the Senate; and

(2) the Committees on Armed Services and Veterans Affairs' of the House of Representatives.

AMENDMENT NO. 2558

(Purpose: To authorize grants for local workforce investment boards for the provision of services to spouses of certain members of the Armed Forces)

At the end of subtitle C of title III, add the following:

SEC. ___. GRANTS FOR LOCAL WORKFORCE INVESTMENT BOARDS FOR SERVICES FOR CERTAIN SPOUSES OF MEMBERS OF THE ARMED FORCES.

(a) GRANTS AUTHORIZED.—The Secretary of Defense may, from any funds authorized to be appropriated to the Department of Defense, and in consultation with the Department of Labor, make grants to local workforce investments boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832), or consortia of such boards, in order to permit such boards or consortia of boards to provide services to spouses of members of the Armed Forces described in subsection (b).

(b) COVERED SPOUSES.—Spouses of members of the Armed Forces described in this subsection are spouses of members of the Armed Forces on active duty, which spouses—

(1) have experienced a loss of employment as a direct result of relocation of such members to accommodate a permanent change in duty station; or

(2) are in a family whose income is significantly reduced due to—

(A) the deployment of such members;

(B) the call or order of such members to active duty in support of a contingency operation pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code;

(C) a permanent change in duty station of such members; or

(D) the incurral by such members of a service-connected disability (as that term is defined in section 101(16) of title 38, United States Code).

(c) REGULATIONS.—Any grants made under this section shall be made pursuant to regulations prescribed by the Secretary in consultation with the Department of Labor. Such regulation shall set forth—

(1) criteria for eligibility of workforce investment boards for grants under this section;

(2) requirements for applications for such grants; and

(3) the nature of services to be provided using such grants.

AMENDMENT NO. 2559

(Purpose: To make available $7,000,000 from Operation and Maintenance, Defense-Wide, for the reimbursement of expenses related to the Rest and Recuperation Leave Programs)

At the end of subtitle C of title III, add the following:

SEC. ___. REST AND RECUPERATION LEAVE PROGRAMS.

(a) AVAILABILITY OF FUNDS FOR REIMBURSEMENT OF EXPENSES.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $7,000,000 may be available for the

reimbursement of expenses of the Armed Forces Recreation Centers related to the utilization of the facilities of the Armed Forces Recreation Centers under official Rest and Recuperation Leave Programs authorized by the military departments or combatant commanders.

(b) UTILIZATION OF REIMBURSEMENTS.—Amounts received by the Armed Forces Recreation Centers under subsection (a) as reimbursement for expenses may be utilized by such Centers for facility maintenance and repair, utility expenses, correction of health and safety deficiencies, and routine ground maintenance.

(c) REGULATIONS.—The utilization of facilities of the Armed Forces Recreation Centers under Rest and Recuperation Leave Programs, and reimbursement for expenses related to such utilization of such facilities, shall be subject to regulations prescribed by the Secretary of Defense.

AMENDMENT NO. 2560

(Purpose: To require a report on the information given to individuals enlisting in the Armed Forces of the so-called ''stop loss'' authority of the Armed Forces)

At the end of subtitle B of title V, add the following:

SEC. ___. REPORT ON INFORMATION ON STOP LOSS AUTHORITIES GIVEN TO ENLISTEES IN THE ARMED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense began retaining selected members of the Armed Forces beyond their contractual date of separation from the Armed Forces, a policy commonly known as ''stop loss'', shortly after the events of September 11, 2001, and for the first time since Operation Desert Shield/Desert Storm.

(2) The Marine Corps, Navy, and Air Force discontinued their use of stop loss authority in 2003. According to the Department of Defense, a total of 8,992 marines, 2,600 sailors, and 8,500 airmen were kept beyond their separation dates under that authority.

(3) The Army is the only Armed Force currently using stop loss authority. The Army reports that, during September 2005, it was retaining 6,929 regular component soldiers, 3,002 soldiers in the National Guard, and 2,847 soldiers in the Army Reserve beyond their separation date. The Army reports that it has not kept an account of the cumulative number of soldiers who have been kept beyond their separation date.

(4) The Department of Defense Form 4/1, Enlistment/Reenlistment Document does not give notice to enlistees and reenlistees in the regular components of the Armed Forces that they may be kept beyond their contractual separation date during times of partial mobilization.

(5) The Department of Defense has an obligation to clearly communicate to all potential enlistees and reenlistees in the Armed Forces their terms of service in the Armed Forces.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the actions being taken to ensure that each individual being recruited for service in the Armed Forces is provided, before making a formal enlistment in the Armed Forces, precise and detailed information on the period or periods of service to which such individual may be obligated by reason of enlistment in the Armed Forces, including any revisions to Department of Defense Form 4/1.

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) a description of how the Department informs enlistees in the Armed Forces on—

(i) the so-called ''stop loss'' authority and the manner in which exercise of such authority could affect the duration of an individual's service on active duty in the Armed Forces;

(ii) the authority for the call or order to active duty of members of the Individual Ready Reserve and the manner in which such a call or order to active duty could affect an individual following the completion of the individual's expected period of service on active duty or in the Individual Ready Reserve; and

(iii) any other authorities applicable to the call or order to active duty of the Reserves, or of the retention of members of the Armed Forces on active duty, that could affect the period of service of an individual on active duty or in the Armed Forces; and

(B) such other information as the Secretary considers appropriate.

AMENDMENT NO. 2561

(Purpose: To require preparation of a development plan for a national coal-to-liquid fuels program)

At the end of subtitle G of title X of division A, add the following:

SEC. 1073. COAL-TO-LIQUID FUEL DEVELOPMENT PLAN.

(a) DEFINITION OF DESIGNATED COMMITTEES.—In this section, the term ''designated committees'' means—

(1) the Committees on Armed Services, Energy and Natural Resources, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Energy and Commerce, and Appropriations of the House of Representatives.

(b) DEVELOPMENT PLAN AND REPORT.—Not later than 90 days after the date of enactment of this Act, using amounts available to the Department of Defense and the National Energy Technology Laboratory of the Department of Energy—

(1) the Secretary of Energy, in coordination with the Secretary of Defense, shall prepare and submit to the designated committees a development plan for a coal-to-liquid fuels program; and

(2) the Secretary of Defense, in coordination with the Secretary of Energy, shall prepare and submit to the designated committees a report on the potential use of the fuels by the Department of Defense.

(c) REQUIREMENTS.—The development plan described in subsection (b)(1) shall be prepared taking into consideration—

(1) technology needs and developmental barriers;

(2) economic and national security effects;

(3) environmental standards and carbon capture and storage opportunities;

(4) financial incentives;

(5) timelines and milestones;

(6) diverse regions having coal reserves that would be suitable for liquefaction plants;

(7) coal-liquid fuel testing to meet civilian and military engine standards and markets; and

(8) any roles other Federal agencies, State governments, and international entities could play in developing a coal-to-liquid fuel industry.

AMENDMENT NO. 2562

(Purpose: To amend titles 10 and 38 of the United States Code, to modify the circumstances under which a person who has committed a capital offense is denied certain burial-related benefits and funeral honors)

At the appropriate place, insert the following:

SECTION ___. DENIAL OF CERTAIN BURIAL-RELATED BENEFITS FOR INDIVIDUALS WHO COMMITTED A CAPITAL OFFENSE.

(a) PROHIBITION AGAINST INTERMENT IN NATIONAL CEMETERY.—Section 2411 of title 38, United States Code, is amended—

(1) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

''(1) A person whose conviction of a Federal capital crime is final.''; and

(B) by amending paragraph (2) to read as follows:

''(2) A person whose conviction of a State capital crime is final.''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking ''the death penalty or life imprisonment'' and inserting ''a life sentence or the death penalty''; and

(B) in paragraph (2), by striking ''the death penalty or life imprisonment without parole may be imposed'' and inserting ''a life sentence or the death penalty may be imposed''.

(b) DENIAL OF CERTAIN BURIAL-RELATED BENEFITS.—Section 985 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''who has been convicted of a capital offense under Federal or State law for which the person was sentenced to death or life imprisonment without parole.'' and inserting ''described in section 2411(b) of title 38.'';

(2) in subsection (b), by striking ''convicted of a capital offense under Federal law'' and inserting ''described in section 2411(b) of title 38''; and

(3) by amending subsection (c) to read as follows:

''(c) DEFINITION.—In this section, the term 'burial' includes inurnment.''.

(c) DENIAL OF FUNERAL HONORS.—Section 1491(h) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking '' means a decedent who—'' and inserting the following: ''—

''(1) means a decedent who—'';

(3) in subparagraph (B), as redesignated, by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(2) does not include any person described in section 2411(b) of title 38.''.

(d) RULEMAKING.—

(1) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall prescribe regulations to ensure that a person is not interred in any military cemetery under the authority of the Secretary or provided funeral honors under section 1491 of title 10, United States Code, unless a good faith effort has been made to determine whether such person is described in section 2411(b) of title 38, United States Code, or is otherwise ineligible for such interment or honors under Federal law.

(2) DEPARTMENT OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall prescribe regulations to ensure that a person is not interred in any cemetery in the National Cemetery System unless a good faith effort has been made to determine whether such person is described in section 2411(b) of title 38, United States Code, or is otherwise ineligible for such interment under Federal law.

(e) SAVINGS PROVISION.—The amendments made by subsections (a), (b), and (c) shall not apply to any person whose sentence for a Federal capital crime or a State capital crime (as such terms are defined in section 2411(d) of title 38, United States Code) was commuted by the President or the Governor of a State.

AMENDMENT NO. 2563

(Purpose: To require an annual report on the budgeting of the Department of Defense related to key military equipment)

At the end of subtitle D of title X, add the following:

SEC. ___. ANNUAL REPORTS ON BUDGETING RELATING TO KEY MILITARY EQUIPMENT.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 234. Budgeting for key military equipment: annual reports

''(a) ANNUAL REPORT REQUIRED.—The Secretary of Defense shall submit to Congress each year, at or about the time that the budget of the President is submitted to Congress that year under section 1105(a) of title 31, a report on the budgeting of the Department of Defense for key military equipment.

''(b) REPORT ELEMENTS.—The report required by subsection (a) for a year shall set forth the following:

''(1) A description of the current strategies of the Department of Defense for sustaining key military equipment, and for any modernization that will be required of such equipment.

''(2) A description of the amounts required for the Department for the fiscal year beginning in such year in order to fully fund the strategies described in paragraph (1).

''(3) A description of the amounts requested for the Department for such fiscal year in order to fully fund such strategies.

''(4) A description of the risks, if any, of failing to fund such strategies in the amounts required to fully fund such strategies (as specified in paragraph (2)).

''(5) A description of the actions being taken by the Department of Defense to mitigate the risks described in paragraph (4).

''(c) KEY MILITARY EQUIPMENT DEFINED.—In this section, the term 'key military equipment'—

''(1) means—

''(A) major weapons systems that are essential to accomplishing the national defense strategy; and

''(B) other military equipment, such as major command, communications, computer intelligence, surveillance, and reconnaissance (C4ISR) equipment and systems designed to prevent fratricide, that is critical to the readiness of military units; and

''(2) includes equipment reviewed in the report of the Comptroller General of the United States numbered GAO–06–141.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''234. Budgeting for key military equipment: annual reports.''.

AMENDMENT NO. 2564

(Purpose: To improve the general authority of the Department of Defense to accept and administer gifts)

At the end of subtitle C of title III, add the following:

SEC. ___. IMPROVEMENT OF AUTHORITIES ON GENERAL GIFT FUNDS OF THE DEPARTMENT OF DEFENSE.

(a) RESTATEMENT AND EXPANSION OF CURRENT AUTHORITY.—Subsection (a) of section 2601 of title 10, United States Code, is amended to read as follows:

''(a)(1) Subject to subsection (b), the Secretary concerned may accept, hold, administer, and spend any gift, devise, or bequest of real or personal property made on the condition that it be used for the benefit, or in connection with, the establishment, operation, or maintenance of a school, hospital, library, museum, cemetery, or other institution or organization under the jurisdiction of such Secretary.

''(2)(A) Subject to subsection (b), the Secretary concerned may accept, hold, administer, and spend any gift, devise, or bequest of real or personal property made on the condition that it be used for the benefit of members of the armed forces or civilian employees of United States Government, or the dependents or survivors of such members or employees, who are wounded or killed while serving in Operation Iraqi Freedom, Operation Enduring Freedom, or any other military operation or activity, or geographic area, designated by the Secretary of Defense for purposes of this section.

''(B) The Secretary of Defense shall prescribe regulations specifying the conditions that may be attached to a gift, devise, or bequest accepted under this paragraph.

''(C) The authority to accept gifts, devises, or bequests under this paragraph shall expire on December 31, 2007.

''(3) The Secretary concerned may pay all necessary expenses in connection with the conveyance or transfer of a gift, devise, or bequest made under this subsection.''.

(b) SCOPE OF AUTHORITY TO USE ACCEPTED PROPERTY.—Such section is further amended—

(1) by redesignating subsections (b), (c) and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b)(1) Except as provided in paragraph (2), property accepted under subsection (a) may be used by the Secretary concerned without further specific authorization in law.

''(2) Property accepted under subsection (a) may not be used—

''(A) if the use of such property in connection with any program, project, or activity would result in the violation of any prohibition or limitation otherwise applicable to such program, project, or activity;

''(B) if the conditions attached to such property are inconsistent with applicable law or regulations;

''(C) if the use of such property would reflect unfavorably on ability of the Department of Defense, any employee of the Department, or any member of the armed forces to carry out any responsibility or duty of the Department in a fair and objective manner; or

''(D) if the use of such property would compromise the integrity or appearance of integrity of any program of the Department of Defense, or any individual involved in such a program.''.

(c) CONFORMING AMENDMENT.—Subsection (c) of such section, as redesignated by subsection (b)(1) of this section, is further amended in the flush matter following paragraph (4) by striking ''benefit or use of the designated institution or organization'' and inserting ''purposes specified in subsection (a)''.

(d) GAO AUDITS.—Such section is further amended by adding at the end the following new subsection:

''(f) The Comptroller General of the United States shall make periodic audits of real or personal property accepted under subsection (a) at such intervals as the Comptroller General determines to be warranted. The Comptroller General shall submit to Congress a report on the results of each such audit.''.

AMENDMENT NO. 2565

(Purpose: To express the sense of the Senate on the applicability of the Uniform Code of Military Justice to members of the reserve components of the Armed Forces on inactive-duty training overseas)

At the end of subtitle D of title V, add the following:

SEC. ___. SENSE OF SENATE ON APPLICABILITY OF UNIFORM CODE OF MILITARY JUSTICE TO RESERVES ON INACTIVE-DUTY TRAINING OVERSEAS.

It is the sense of the Senate that—

(1) there should be no ambiguity about the applicability of the Uniform Code of Military Justice (UCMJ) to members of the reserve components of the Armed Forces while serving overseas under inactive-duty training (IDT) orders for any period of time under such orders; and

(2) the Secretary of Defense should—

(A) take action, not later than February 1, 2006, to clarify jurisdictional issues relating to such applicability under section 802 of title 10, United States Code (article 2 of the Uniform Code of Military Justice); and

(B) if necessary, submit to Congress a proposal for legislative action to ensure the applicability of the Uniform Code of Military Justice to members of the reserve components of the Armed Forces while serving overseas under inactive-duty training orders.

AMENDMENT NO. 2566

(Purpose: To facilitate the commemoration of the success of the United States Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom)

At the end of subtitle C of title III, add the following:

SEC. ___. COMMEMORATION OF SUCCESS OF THE ARMED FORCES IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.

(a) FINDING.—Congress finds that it is both right and appropriate that, upon their return from Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq, all soldiers, sailors, marines, and airmen in the Armed Forces who served in those operations be honored and recognized for their achievements, with appropriate ceremonies, activities, and awards commemorating their sacrifice and service to the United States and the cause of freedom in the Global War on Terrorism.

(b) CELEBRATION HONORING MILITARY EFFORTS IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.—The President may, at the sole discretion of the President—

(1) designate a day of celebration to honor the soldiers, sailors, marines, and airmen of the Armed Forces who have served in Operation Enduring Freedom or Operation Iraqi Freedom and have returned to the United States; and

(2) issue a proclamation calling on the people of the United States to observe that day with appropriate ceremonies and activities.

(c) PARTICIPATION OF ARMED FORCES IN CELEBRATION.—

(1) PARTICIPATION AUTHORIZED.—Members and units of the Armed Forces may participate in activities associated with the day of celebration designated under subsection (b) that are held in Washington, District of Columbia.

(2) AVAILABILITY OF FUNDS.—Subject to paragraph (4), amounts authorized to be appropriated for the Department of Defense may be used to cover costs associated with the participation of members and units of the Armed Forces in the activities described in paragraph (1).

(3) ACCEPTANCE OF PRIVATE CONTRIBUTIONS.—(A) Notwithstanding any other provision of law, the Secretary of Defense may accept cash contributions from private individuals and entities for the purposes of covering the costs of the participation of members and units of the Armed Forces in the activities described in paragraph (1). Amounts so accepted shall be deposited in an account established for purposes of this paragraph.

(B) Amounts accepted under subparagraph (A) may be used for the purposes described in that subparagraph until expended.

(4) LIMITATION.—The total amount of funds described in paragraph (2) that are available for the purpose set forth in that paragraph may not exceed the amount equal to—

(A) $20,000,000, minus

(B) the amount of any cash contributions accepted by the Secretary under paragraph (3).

(d) AWARD OF RECOGNITION ITEMS.—

(1) AUTHORITY TO AWARD.—Under regulations prescribed by the Secretary of Defense, appropriate recognition items may be awarded to any individual who served honorably as a member of the Armed Forces in Operation Enduring Freedom or Operation Iraqi Freedom during the Global War on Terrorism. The purpose of the award of such items is to recognize the contribution of such individuals to the success of the United States in those operations.

(2) RECOGNITION ITEMS DEFINED.—In this subsection, the term ''recognition items'' means recognition items authorized for presentation under section 2261 of title 10, United States Code (as amended by section 593(a) of this Act).

AMENDMENT NO. 2567

(Purpose: To authorize the construction of battalion dining facilities at Fort Knox, Kentucky)

On page 310, in the table following line 16, insert after the item relating to Fort Campbell, Kentucky, the following:

	Fort Knox	$4,600,000

On page 311, in the table preceding line 1, strike the amount identified as the total in the amount column and insert ''$1,199,722,000''.

On page 317, between lines 3 and 4, insert the following:

SEC. 2105. CONSTRUCTION OF BATTALION DINING FACILITIES, FORT KNOX, KENTUCKY.

(a) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2104(a) for military construction, land acquisition, and military family housing functions of the Department of the Army and the amount of such funds authorized by paragraph (1) of such subsection for military construction projects inside the United States are each hereby decreased by $3,600,000.

(b) USE OF FUNDS.—Of the amount authorized to be appropriated by section 2104(a)(1) for the Department of the Army and available for military construction at Fort Knox, Kentucky, $4,600,000 is available for the construction of battalion dining facilities at Fort Knox.

AMENDMENT NO. 2568

(Purpose: To provide for a responsibility of the Joint Chiefs of Staff as military advisors to the Homeland Security Council)

At the end of subtitle A of title IX, add the following:

SEC. . RESPONSIBILITY OF THE JOINT CHIEFS OF STAFF AS MILITARY ADVISERS TO THE HOMELAND SECURITY COUNCIL.

(a) RESPONSIBILITY AS MILITARY ADVISERS.—

(1) IN GENERAL.—Subsection (b) of section 151 of title 10, United States Code, is amended—

(A) in paragraph (1), by inserting ''the Homeland Security Council,'' after ''the National Security Council,''; and

(B) in paragraph (2), by inserting ''the Homeland Security Council,'' after ''the National Security Council,''.

(2) CONSULTATION BY CHAIRMAN.—Subsection (c)(2) of such section is amended by inserting ''the Homeland Security Council,'' after ''the National Security Council,'' both places it appears.

(3) ADVICE AND OPINIONS OF MEMBERS OTHER THAN CHAIRMAN.—Subsection (d) of such section is amended—

(A) in paragraph (1), by inserting ''the Homeland Security Council,'' after ''the National Security Council,'' both places it appears; and

(B) in paragraph (2), by inserting ''the Homeland Security Council,'' after ''the National Security Council,''.

(4) ADVICE ON REQUEST.—Subsection (e) of such section is amended by inserting ''the Homeland Security Council,'' after ''the National Security Council,'' both places it appears.

(b) ATTENDANCE AT MEETING OF HOMELAND SECURITY COUNCIL.—Section 903 of the Homeland Security Act of 2002 (6 U.S.C. 493) is amended—

(1) by inserting ''(a) MEMBERS.—'' before ''The members''; and

(2) by adding at the end the following new subsection:

''(b) ATTENDANCE OF CHAIRMAN OF JOINT CHIEFS OF STAFF AT MEETINGS.—The Chairman of the Joint Chiefs of Staff (or, in the absence of the Chairman, the Vice Chairman of the Joint Chiefs of Staff) may, in the role of the Chairman of the Joint Chiefs of Staff as principal military adviser to the Homeland Security Council and subject to the direction of the President, attend and participate in meetings of the Homeland Security Council.''

AMENDMENT NO. 2569

(Purpose: To express the sense of the Senate on the lives saved by the Common Remotely Operated Weapons Station (CROWS) platform)

On page 286, between lines 7 and 8, insert the following:

SEC. 1073. SENSE OF SENATE ON COMMON REMOTELY OPERATED WEAPONS STATION (CROWS) PLATFORM.

(a) FINDINGS.—The Senate makes the following findings:

(1) With only a few systems deployed, the Common Remotely Operated Weapons Station (CROWS) platform is already saving the lives of soldiers today in Iraq by moving soldiers out of the exposed gunner's seat and into the protective shell of an up-armored Humvee.

(2) The Common Remotely Operated Weapons Station platform dramatically improves battlefield awareness by providing a laser rangefinder, night vision, telescopic vision, a fire control computer that allows on-the-move target acquisition, and one-shot one-kill accuracy at the maximum range of a weapon.

(3) As they become available, new technologies can be incorporated into the Common Remotely Operated Weapons Station platform, thus making the platform scalable.

(4) The Army has indicated that an additional $206,000,000 will be required in fiscal year 2006 to procure 750 Common Remotely Operated Weapons Station units for the Armed Forces, and to prepare for future production of such weapons stations.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President should include in the next request submitted to Congress for supplemental funding for military operations in Iraq and Afghanistan sufficient funds for the production in fiscal year 2006 of a number of Common Remotely Operated Weapons Station units that is adequate to meet the requirements of the Armed Forces.

AMENDMENT NO. 2570

(Purpose: To include packet based telephony service in the Department of Defense telecommunications benefit)

At the end of subtitle C of title III, add the following:

SEC. . INCLUSION OF PACKET BASED TELEPHONY IN DEPARTMENT OF DEFENSE TELECOMMUNICATIONS BENEFIT.

(a) INCLUSION IN BENEFIT.—Subsection (a) of section 344 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1448) is amended by inserting ''packet based telephony service,'' after ''prepaid phone cards,''.

(b) INCLUSION OF INTERNET TELEPHONY IN DEPLOYMENT OF ADDITIONAL TELEPHONE EQUIPMENT.—Subsection (e) of such section is amended—

(1) by inserting ''or Internet service'' after ''additional telephones'';

(2) by inserting ''or packet based telephony'' after ''to facilitate telephone''; and

(3) by inserting ''or Internet access'' after ''installation of telephones''.

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in the subsection caption of subsection (a), by striking ''PREPAID PHONE CARDS'' and inserting ''BENEFIT''; and

(2) in the subsection caption of subsection (e), by inserting ''OR INTERNET ACCESS'' after ''TELEPHONE EQUIPMENT''.

AMENDMENT NO. 2571

(Purpose: To express the sense of the Senate to emphasize that financial assistance may be provided for the performance of activities by the Army National Guard without use of competitive procedures under standard exceptions to the use of such procedures)

At the end of subtitle A of title VIII, add the following:

SEC. . SENSE OF SENATE ON APPLICABILITY OF COMPETITION EXCEPTIONS TO ELIGIBILITY OF NATIONAL GUARD FOR FINANCIAL ASSISTANCE FOR PERFORMANCE OF ADDITIONAL DUTIES.

It is the sense of the Senate that the amendment made by section 806 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2010) permits the Secretary of Defense to provide financial assistance to the Army National Guard for the performance of additional duties specified in section 113(a) of title 32, United States Code, without the use of competitive procedures under the standard exceptions to the use of such procedures in accordance with section 2304(c) of title 10, United States Code.

AMENDMENT NO. 2572

(Purpose: To clarify that military reservists, who are released from active duty and who are otherwise qualified, are eligible for veterans preference in Federal hiring)

At the appropriate place, insert the following:

SECTION . VETERANS PREFERENCE ELIGIBILITY FOR MILITARY RESERVISTS.

(a) SHORT TITLE.—This section may be cited as the ''Reservist Access to Veterans Preference Act''.

(b) VETERANS PREFERENCE ELIGIBILITY.—Section 2108(1) of title 5, United States Code, is amended by striking ''separated from'' and inserting ''discharged or released from active duty in''.

(c) SAVINGS PROVISION.—Nothing in the amendment made by subsection (b) may be construed to affect a determination made before the date of enactment of this Act that an individual is preference eligible (as defined in section 2108(3) of title 5, United States Code).

AMENDMENT NO. 2573

(Purpose: To require the Secretary of Defense to conduct a study and submit a report on the feasibility of conducting a military and civilian partnership health care project)

At the end of subtitle B of title VII, add the following:

SEC. 718. STUDY AND REPORT ON CIVILIAN AND MILITARY PARTNERSHIP PROJECT.

(a) STUDY.—The Secretary of Defense shall conduct a study on the feasibility of conducting a military and civilian partnership project to permit employees of the Department of Defense and of a non-profit health care entity to jointly staff and provide health care services to military personnel and civilians at a Department of Defense military treatment facility.

(b) REPORT.—Not later than December 31, 2006, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study required by subsection (a).

AMENDMENT NO. 2574

At the appropriate place in title VIII, insert:

SEC. ___. CONTRACTING INCENTIVE FOR SMALL POWER PLANTS ON FORMER MILITARY BASES.

(a) AUTHORIZATION.—Notwithstanding the limitation in Section 501(b)(1)(B) of title 40, United States Code, the Administrator of the General Services Administration is authorized to contract for public utility services for a period of not more than 20 years, provided that such services are electricity services procured from a small power plant located on a qualified HUBZone base closure area.

(b) DEFINITION OF SMALL POWER PLANT.—In this section, the term small power plant includes any power facility or project with electrical output of not more than 60 Megawatts.

(c) DEFINITION OF PUBLIC UTILITY ELECTRIC SERVICES.—In this section, the term ''public utility services'', with respect to electricity services, includes electricity supplies and services, including transmission, generation, distribution, and other services directly used in providing electricity.

(d) DEFINITION OF HUBZONE BASE CLOSURE AREA.—In this section, the term ''HUBZone base closure area'' has the same meaning as such term is defined in Section 3(p)(4)(D) of the Small Business Act, 15 U.S.C. 632(p)(4)(D).

(e) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Contracting pursuant to this section shall be subject to all other laws and regulations applicable to contracting for public utility services.

AMENDMENT NO. 2575

(Purpose: To extend through 2010 the requirement for an annual report on the maturity of technology at the initiation of major defense acquisition programs)

At the end of subtitle E of title VIII, add the following:

SEC. ___. EXTENSION OF ANNUAL REPORTS ON MATURITY OF TECHNOLOGY AT INITIATION OF MAJOR DEFENSE ACQUISITION PROGRAMS.

Section 804(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1180) is amended by striking ''through 2006'' and inserting ''through 2010''.

AMENDMENT NO. 2576

(Purpose: To authorize $4,500,000 for the Army National Guard for the construction of a readiness center at Camp Dawson, West Virginia, to authorize $2,000,000 for the Air National Guard for C–5 aircraft shop upgrades at Eastern West Virginia Regional Airport, Shepherd Field, Martinsburg, West Virginia, and to provide an offset)

On page 337, between lines 4 and 5, insert the following:

SEC. 2602. NATIONAL GUARD CONSTRUCTION PROJECTS.

(a) ARMY NATIONAL GUARD AT CAMP DAWSON, WEST VIRGINIA.—

(1) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(1)(A) for the Department of the Army for the Army National Guard of the United States is hereby increased by $4,500,000.

(2) USE OF FUNDS.—Of the amount authorized to be appropriated by section 2601(1)(A) for the Department of the Army for the Army National Guard of the United States, as increased by paragraph (1), $4,500,000 is available for the construction of a readiness center at Camp Dawson, West Virginia.

(3) OFFSET.—The amount authorized to be appropriated by section 2601(3)(A) for the Department of the Air Force for the Air National Guard of the United States, and available for the construction of a bridge/gate house/force protection entry project at Camp Yeager, West Virginia, is hereby decreased by $4,500,000.

(b) AIR NATIONAL GUARD AT EASTERN WEST VIRGINIA REGIONAL AIRPORT.—Of the amount authorized to be appropriated by section 2603(3)(A) for the Department of the Air Force for the Air National Guard of the United States, and otherwise available for the construction of a bridge/gate house/force protection entry project at Camp Yeager Air National Guard Base, West Virginia, $2,000,000 shall be available instead for C-5 aircraft shop upgrades at Eastern West Virginia Regional Airport, Shepherd Field, Martinsburg, West Virginia.

AMENDMENT NO. 2577

(Purpose: To require a report on the effects of windmill farms on military readiness)

At the end of subtitle C of title III, add the following:

SEC. ___. REPORT ON EFFECTS OF WINDMILL FARMS ON MILITARY READINESS.

(a) FINDING.—Congress finds that the Ministry of Defence of the United Kingdom has determined, as a result of a recently conducted study of the effect of windmill farms on military readiness, not to permit construction of windmill farms within 30 kilometers of military radar installations.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the effects of windmill farms on military readiness, including an assessment of the effects on the operations of military radar installations of the proximity of windmill farms to such installations and of technologies that could mitigate any adverse effects on military operations identified.

AMENDMENT NO. 2578

(Purpose: To require a report on advanced technologies for nuclear power reactors in the United States)

At the end of subtitle B of title XXXI, add the following:

SEC. ___. REPORT ON ADVANCED TECHNOLOGIES FOR NUCLEAR POWER REACTORS IN THE UNITED STATES.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report on advanced technologies for nuclear power reactors in the United States.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description and assessment of technologies under development for advanced nuclear power reactors that offer the potential for further enhancements of the safety performance of nuclear power reactors.

(2) A description and assessment of technologies under development for advanced nuclear power reactors that offer the potential for further enhancements of proliferation-resistant nuclear power reactors.

(c) FORM OF REPORT.—The information in the report required by subsection (a) shall be presented in manner and format that facilitates the dissemination of such information to, and the understanding of such information by, the general public.

AMENDMENT NO. 2579

(Purpose: To require quarterly reports on the war strategy in Iraq)

At the end of subtitle D of title X, add the following:

SEC. ___. QUARTERLY REPORTS ON WAR STRATEGY IN IRAQ.

(a) QUARTERLY REPORTS.—At the same time the Secretary of Defense submits to Congress each report on stability and security in Iraq that is submitted to Congress after the date of the enactment of this Act under the Joint Explanatory Statement of the Committee on Conference to accompany the conference report on the bill H.R. 1268 of the 109th Congress, the Secretary of Defense and appropriate personnel of the Central Intelligence Agency shall provide the appropriate committees of Congress a briefing on the strategy for the war in Iraq, including the measures of evaluation utilized in determining the progress made in the execution of that strategy.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services and Appropriations of the Senate; and

(2) the Committees on Armed Services and Appropriations of the House of Representatives.

Mr. BINGAMAN. Mr. President, I rise today in support of an amendment to the Defense Authorization Act of 2006, introduced by Senator WARNER along with Senator LEVIN and myself, which would authorize emergency supplemental appropriations for the Department of Defense for domestic hurricane relief and avian flu preparedness. At my request, this amendment also includes $40 million in relief assistance for the people affected by the devastating earthquake that struck northern Pakistan, India, and Afghanistan on October 8, 2005. It would also require the Secretary to submit a report to Congress describing the Department of Defense's humanitarian efforts in the region and assessing the need for further reconstruction and relief assistance. Although I fully support the $40 million authorized in this amendment, I believe the DOD assessment will reveal the need for a substantial increase

in assistance for the approximately 3 million people left homeless by this earthquake.

Initial reports of this disaster described the situation as critical, with over 30,000 people estimated dead and 1 million people in desperate need of assistance. It is my understanding that, based on these initial estimates, USAID has spent approximately $50 million of the $156 million that the United States pledged in humanitarian assistance to South Asia. In addition, the U.S. military has been allocated $56 million of this pledge to support logistical and other military relief efforts, and $50 million of this has already been spent. As of November 9, the Department of Defense had more than 900 personnel providing relief and reconstruction support. DOD has flown more than 1,100 helicopter missions delivering 2,700 tons of relief supplies and evacuated over 8,200 casualties from the affected area. In addition, the 212th Mobile Army Surgical Hospital has established a unit in Pakistan and has 36 intensive care unit beds, 60 intermediate minimal care beds, and 2 operating rooms. This unit has performed valiantly, having completed more than 100 surgeries and treated 1,200 nonsurgical patients.

While I fully support these efforts, it has become clear that this disaster is much larger than what was first assumed. The United Nations is now reporting that ''the unfolding picture reveals levels of human and economic devastation unprecedented in the history of the subcontinent.'' In Pakistan alone, approximately 80,000 people have died, half of whom were children. Nearly the same amount of people are injured, with both numbers expected to rise. This region is home to 5 million people scattered across this mountainous area, and with a harsh winter quickly approaching, the situation has the potential to become much worse.

The earthquake destroyed most hospitals, schools, and government buildings, and hundreds of towns and villages in the region have been completely wiped out. Most roads and bridges have been completely destroyed, and the 900 aftershocks have blocked the remaining roads by landslides. Tens of thousands of people are still completely cut off from any form of assistance. According to the United Nations, over 2 million people require life-saving assistance, including basic necessities like food, water, and medicine. In addition, approximately 3 million people lack adequate shelter at a time when temperatures are consistently below freezing and growing colder. There is now growing concern that the death toll could quickly double if increased aid is not provided immediately.

The U.N. has increased its appeal for aid to $550 million for the next 6 months of operations, and it is estimated that disaster relief and reconstruction may cost up to $6 billion over the long term. In the near term however, I believe it is critical that we do all we can before the Thanksgiving recess to help these people as they struggle through the winter months. It is also important that if we are truly committed to changing how the United States is perceived in a region which is predominantly rural, poor, and Muslim, we must be willing to demonstrate America's compassion and generosity in this time of urgent need. To this end, I urge my colleagues to support this amendment.

AMENDMENT NO. 2577

Mr. WARNER. Mr. President, for the past several years the Senate has been very engaged in producing a comprehensive energy policy. This summer we took a positive step forward passing the first Energy bill in more than 14 years.

It is my hope that this Energy bill will expand domestic supply, encourage alternative sources, and help reduce our overall demand for energy. Alternative energy sources will continually play a larger role in the Nation's future and I believe wind power is a part of that solution.

The Energy bill shifted the inadequate permitting process for alternative energy production on outer continental shelf lands from the Army Corps of Engineers to the Department of Interior's Minerals Management Service. Given the Minerals Management Service's experience with permitting offshore oil and gas leases, the inclusion of alternative energy production such as windmills is a natural fit. Now the permitting of wind farms, whether on or off shore, follows a strong permitting process with input from the local, State, and Federal Governments.

However, as windmills become a more prevalent part of the Nation's energy landscape, we must be fully aware of the effects these facilities may have on other aspects of the country's well being.

I have been prompted to look into this based upon the experiences of the United Kingdom, which has studied in detail the potential adverse effects of wind turbines on their radar abilities. The UK Ministry of Defence is now a part of the permitting process for potential wind farms in that country and some of these findings are currently being shared with our own Department of Defense. However, we need more study.

Today I offer an amendment to provide a study regarding the effects of wind turbines on military readiness, including an assessment of the effects such farms may have on military radar. My amendment also requires the report to include an assessment of technologies that could mitigate any adverse effects wind projects could have on military operations. As the entire world continues the development of alternative sources of energy, it is imperative that the Department of Defense and the Congress understand the effects that those energy sources may have on the military's ability to do its job.

Whether it is a wind farm in the middle of the Arizona desert, several miles off the Alaska Coast, or set along the shore of South Africa, this Nation's military simply must be able to adequately deal with the potential effects.

I thank the Senate for agreeing to include this study in the Defense Authorization bill and look forward to its findings.

AMENDMENT NO. 1345

Ms. COLLINS. Mr. President, competitive sourcing is the process by which the Federal Government conducts a competition to compare the cost of obtaining a needed commercial service from a private sector contractor rather than from Federal employees. Properly conducted, competitive sourcing can be an effective tool to achieve cost savings. Poorly utilized, however, it can increase costs and hurt the morale of the Federal workforce.

The current guidelines under which agencies conduct these competitions are contained in the Office of Management and Budget's Circular A–76. To ensure that we maximize the benefit and minimize the cost of competitive sourcing, A–76 competitions must be conducted in a carefully crafted manner. The rules under which they take place must be fair, objective, transparent, and efficient. In one particular regard, I believe the current rules fail to meet these criteria.

Specifically, they do not allow Federal employees to protest the agency's decisions in an A–76 competition beyond the agency's own internal review processes to the General Accountability Office. Congress has vested in the GAO the jurisdiction to hear and render opinions in protests of agency acquisition decisions generally. Private sector contractors, in contrast to Federal employees, have standing to protest agency procurement decisions, including those in A–76 competitions, before GAO.

The current situation does not arise from any conscious policy decision of Congress, GAO, or OMB. Rather, it occurs because the Federal statute that confers protest jurisdiction upon GAO, the Competition in Contracting Act of 1984 or ''CICA'' was not drafted to address the unique nature of A–76 competitions, in particular, the role of Federal employees in the ''Most Efficient Organization'' or ''MEO,'' which is the in-house side of these competitions. This was not deliberate—this particular circumstance for protest was simply not contemplated by Congress when drafting CICA.

Recent revisions to A–76 created the potential for GAO to review past decisions by Federal courts and revisit its own opinions to see whether the revisions would merit a determination that Federal employees had gained standing to protest adverse A–76 competition decisions. However, a GAO protest decision indicates that GAO has concluded

it lacks the authority under CICA to hear protests from Federal employees in the MEO in these competitions. As a result, corrective legislation became necessary in our view.

The Collins-Akaka amendment addresses a very important inequity in our current procurement system. The amendment would ensure that Federal employees have standing to protest to GAO similar to what the private sector enjoys. The amendment would extend GAO protest rights on behalf of the MEO in A–76 competitions to two individuals. The first is the Agency Tender Official or ''ATO.'' The ATO is the agency official who is responsible for developing and representing the Federal employees' MEO. The second is a representative chosen directly by the Federal employees in the MEO for the purposes of filing a protest with GAO where the ATO does not, in the view of a majority of the MEO, fulfill his or her duties in regards to a GAO protest. Our intent is to bolster the A–76 process by providing a mechanism for Federal employees to seek redress from GAO, an entity that is well known for its fair, effective and expert handling of acquisition protests.

STUDY OF NUCLEAR POWER

Mr. WARNER. Mr. President, as the world economy continues to develop, populations and economies grow, and energy demand continues to rise, it is imperative that we diversify our supply of energy. Nuclear power provides approximately 20 percent of our Nation's electricity needs and it is a clean air alternative to fossil fuels. The safety record of our commercial nuclear industry is a positive story and one that we need to share. In an era where resources have become increasingly scarce and expensive, it is unfortunate that nuclear power hasn't seemed to be a part of the readily accepted solution. We have not been building nuclear power plants in the past 20 plus years because of environmental and safety concerns and this is a trend that I feel must be reversed.

I feel these concerns and that opposition to nuclear power are simply a result of a lack of information. Today I offer an amendment that will provide objective data for the public to see. Specifically, my amendment calls on the Department of Energy to report to Congress on the technologies for advanced nuclear power reactors and the potential for safety enhancements as a result of those technologies.

This amendment will build on the nuclear provisions in the recently passed Energy bill. Specifically, the extension of Price Anderson insurance, incentives for nuclear power production, and support for the construction of new nuclear reactors are positive policy developments. In addition, there are several security related provisions regarding security exercises, worker screening, and minimum facility standards that will further enhance the safety and security of our nuclear facilities. However, I feel there is information that would help many understand the safety record of the industry and the potential enhancement of that through new technology in the future.

I believe we must expand our nuclear power output as part of a comprehensive energy policy and it is my hope that this study helps the public better understand the safe and reliable contribution nuclear power can make.

I thank the Senate for including this amendment.

Mr. WARNER. Returning to the debate on the two amendments, I yield from my time 3 minutes to the distinguished Senator from Connecticut.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Virginia. I rise to support the Warner amendment and to respectfully oppose the Levin amendment.

I believe something very important has happened in the last 24 hours. In my opinion, the debate has grown in our country and in this city much too partisan over what is happening in Iraq. That partisanship has begun to get in the way of the potential for a successful completion of our mission there.

I cite the great Senator Arthur Vandenberg of Michigan, who said: Politics must end at the water's edge. Why? So that America speaks with maximum authority against those who would divide and conquer us in the free world. That is from an earlier chapter in history, but his words cry out to us.

Here is what the Washington Post said Saturday:

> President Bush and leading congressional Democrats lobbed angry charges at each other Friday in an increasingly personal battle over the origins of the Iraq war. The sharp tenor Friday resembled an election year campaign more than a policy disagreement.

That is the danger that Vandenberg warns of. And about what? About prewar intelligence, almost 3 years ago—not irrelevant, not unimportant, but not as relevant and important as how we successfully complete our mission in Iraq, how we protect the 150,000 men and women fighting for us in uniform over there, how we do what the majority of Members of both parties have said is so important to us—successfully complete this mission.

Senator WARNER and Senator LEVIN have done something unique. Senator LEVIN worked very hard on our side to try to put together a broad amendment that could involve as many members of the Democratic caucus as possible. He did something that is important: expressed support for the troops, for successful completion of the mission, but quite correctly asked the administration and the Pentagon for a plan, for measurements, for the beginning of a more open and complete dialog with Congress.

He put something in there that I don't agree with that will lead me respectfully to vote against the amendment. The last paragraph in the Levin-Reid amendment looks like a timetable for withdrawal. It may not be the intention, but I fear that is the message it will send. That is a message I fear will discourage our troops in the field, will encourage the terrorists, and will confuse the Iraqis.

Senator WARNER has come along and accepted most of the Levin amendment except primarily eliminated that last paragraph. In doing so, these two leaders, Senator LEVIN and Senator WARNER, have created a context to break through the partisanship that has begun to diminish American public support for the war, and that means making it more difficult for our troops to successfully complete the mission.

We set up a dialog between the Congress and the President, measuring points, and hopefully the administration will respond. This is a statement of trust between Senator WARNER and Senator LEVIN. I hope it will be responded to by the administration because ultimately, only together, as Vandenberg advised, will we achieve success in Iraq. And success in Iraq means great stability in the Middle East, great freedom for the people of Iraq, and a setback for the terrorists who attacked us on September 11 and are anxious to do so again. I thank my friends for working together to get us to this point.

Here is my hope. The vote on the Levin amendment, I gather, will be first. I will respectfully vote against it. If it does not pass, I hope there is overwhelming support for the Warner amendment. I can even dream that 100 Senators would vote for it. That would be the strongest statement of support to our troops and the strongest statement of opposition to our enemy in Iraq.

I yield the floor.

Mr. LEVIN. How much time remains?

The ACTING PRESIDENT pro tempore. The Senator has 9 minutes 55 seconds.

Mr. LEVIN. I yield 5 minutes to the Senator from Delaware.

Mr. BIDEN. Mr. President, before my friend from Connecticut leaves, I point out it is not partisanship that has caused the American people to leave this war; it is the incredible gap between the rhetoric of the administration of the last 2 years and the reality on the ground. Before we ever got into the open debate, the American people in droves were leaving this not just because Americans are dying, as tragic as that is, but because they do not think we have a plan.

What I think all Democrats and Republicans are deciding is, Tell us the plan, Stan. Tell us, Mr. President, what is the plan? It is the first time this has happened.

The purpose of the amendment is as clear as it is critical: to require the Bush administration to lay out what we need to do to succeed in Iraq. For

the first time, our Republican colleagues have joined Democrats in insisting on a clear Iraqi strategy from this administration, a schedule to achieve it, and real accountability.

Let me be clear about what the amendment does not do. It does require the administration to explain in detail, in public, its plan for success—it has not been public, and that is why the American people have left this outfit—and do it with specific goals, a realistic schedule for achieving those goals, and the relationship between achieving the goals and redeploying U.S. forces. It does not set a deadline for withdrawal.

In providing the plan, both Democrats and Republicans are saying: I hope the administration will start by being realistic and state specifically what the mission is. Is the mission to protect every Iraqi, or is the mission different? As the military will tell, and no one knows better than my friends on the Committee on Armed Services, the mission dictates the force structure, and the more realistic mission calls for less force. We have to refocus our mission on preserving America's fundamental interests in Iraq. What are they?

First, we have to ensure that Iraq does not become what it was not before the war: a haven for jihadist terrorists.

Second, we have to do what we can to prevent a full-blown civil war that turns into regional war. I predict if there is a civil war, there will be a regional war.

To leave Iraq a stable and a united country with representative government, posing no threat to its neighbors, we need to proceed on three tracks at the same time: a political diplomatic track, an assistance track, and a security track. We cannot succeed in Iraq without all three of those succeeding.

On the diplomatic track, nothing is more important than getting Iraq's three main groups—Shiites, Sunnis, and Kurds—to agree to changes in a constitution by next spring so that there is a consensus constitution.

My friend, the chairman of the committee, says without a political solution, we cannot do this. He is right. We need to know exactly what the administration is doing to convince each community to make the compromises necessary for a broad and sustainable political settlement.

We also need to know that the administration plans to engage the world powers and regional powers in this effort, as we did in the Six Plus Two Plan in Afghanistan, as we did in Bosnia. Iraq's neighbors have real influence with these different communities, and we need them to use that influence to arrive at a political settlement.

On the assistance track, the whole house of cards will collapse if Iraqis have no capacity to govern themselves, and if the Iraqi people cannot turn on the lights, drink the water, and walk out their front doors without wading into sewage.

So we need to know what specific steps the administration is taking to strengthen the capacity of Iraq's governmental ministries. We all know none of them can function now—none. Not a single Iraqi ministry is capable of functioning. The administration rejected the British plan to adopt these ministries. So what is the plan? What are you going to do, Mr. President, to make them able to function? How many regular police do we have to keep? What are the basic law-and-order requirements before we can draw down?

We need to stop this silliness about having trained 179,000 troops. Stop this silliness. Tell us what the facts are and tell us the relationship between the facts and our ability to draw down.

What is the plan to ensure that these local ministries are able to move on their own and coordinate Iraqi security forces?

Our amendment lays this out. The fact that our Republican colleagues have signed on to a very similar amendment makes it clear that all of us in this body are tired of not being told the facts.

So, Mr. President, the gap between this administration's rhetoric on Iraq and the reality on the ground has created a huge credibility gap. And I would have never thought this: Only this President could unite the Senate. He has united the Senate on a single point: What is the plan? That is what our amendment does.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BIDEN. I thank the Chair and I thank my colleague.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BIDEN. Mr. President, I ask unanimous consent, if it is possible, for 1 minute for my friend from California.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Michigan.

Mr. LEVIN. Mr. President, is that an additional minute above the time allotted to us?

Mr. BIDEN. Yes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WARNER. Mr. President, I assume that a minute comes to this side likewise.

Mr. BIDEN. Yes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from California is recognized for 1 minute.

Mrs. BOXER. I thank the Chair and my friend from Delaware.

Mr. President, remember when Secretary Rumsfeld said he doubted the war would last 6 months, and when White House Budget Director Daniels said Iraq would be an affordable endeavor, and Condoleezza Rice used the imagery of a mushroom cloud to describe the threat of Iraq, and Vice President CHENEY's now famous assessment of the insurgency: ''They are in their last throes, if you will''? That is a quote.

Well, this administration has failed to lead in Iraq in a way that is ensuring a way out of this with a successful mission.

Finally, the Senate is finding its voice today in both of these proposals in front of us. I am proud to say the Senate is standing up for a change in policy. The status quo is not working. In California, we have lost about 24 percent of the dead. We are suffering. Their families are suffering. Just to say, ''stay the course, stay the course, no matter how badly it is going,'' is simply not going to help our troops in the field.

So, Mr. President, I view this day as a very important breakthrough for the American people. They are being heard. The Democrats are hearing them. The Republicans took the very words of our resolution, made a couple of changes, I think important changes, which mitigate in favor of ours, but I certainly will be voting for both.

Thank you very much.

The ACTING PRESIDENT pro tempore. The Senator has used her 1 minute.

Who yields time?

Mr. LEVIN. Mr. President, how much time is remaining on both sides?

The ACTING PRESIDENT pro tempore. The Senator from Michigan has 3 minutes 38 seconds. The Republican side has 4 minutes 18 seconds.

Mr. LEVIN. Mr. President, I yield a minute to the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized for 1 minute.

Mr. REED. Mr. President, after 2½ years of insurgency warfare in Iraq, it is a stunning indictment of the Bush administration that this Senate has to ask for a plan. And we are asking on behalf of the American people because their disquiet with Iraq is not a function of political bickering, it is a function of not understanding what the plan is because the President has not presented us with a viable, coherent plan.

I believe an important part of that plan is the phased redeployment of American forces without a deadline. I believe that is being embraced by people around the world. Yesterday, Tony Blair spoke about the possibility of withdrawing British troops in 2006. Talabani, the Iraqi leader, spoke about it. John Reid, the Defense Secretary of Great Britain, talked about it.

I think we have to have from the administration a notion of when our forces will come out of Iraq or redeployed within Iraq. It is important not only for Iraq, it is important for our security across the globe. How can we defend ourselves in the future if we do not know if our forces will be freed up to respond to other crises? How can we pay for these troops if we don't know when they will be coming out of Iraq? I think it is important to do this and essential to any plan. I hope that is something we can agree on today.

The ACTING PRESIDENT pro tempore. The Senator has used 1 minute.

Who yields time?

Mr. LEVIN. Mr. President, I yield a minute to the Senator from Illinois.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized for 1 minute.

Mr. DURBIN. Mr. President, this debate today is going to be a significant debate because you are going to hear from both sides of the aisle that we are voting for change. We will reject the status quo. We will reject the President's call for blind loyalty to his policies in Iraq because we cannot be blind to the fact that we have lost over 17,000 American soldiers who have been killed and wounded. We cannot be blind to the fact that there is no plan for success in Iraq. We cannot be blind to the fact that it does no favor to our troops and their families to ignore the obvious.

We need new leadership and new direction. The vote today on the Warner amendment and the vote on the Levin amendment are both votes for change. They are not votes to cut and run. Even though the Republicans have done a cut-and-paste job on the Democratic amendment, both amendments say to the administration: It is time to change the course for success, to make certain that 2006 is a significant year, so that we move toward a success and victory for our troops and for our Nation.

The ACTING PRESIDENT pro tempore. The Senator's 1 minute has expired.

Who yields time?

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I regret the term ''cut and paste'' was used. Senator LEVIN and I have worked together now for 27 years in the Armed Services Committee. I worked with him and told him we decided not to completely rewrite the amendment. This in an effort, as the Senator from Connecticut, Mr. LIEBERMAN, a member of our committee, so eloquently stated, to reach a sense of bipartisanship at this very critical time, on the eve of another and perhaps the most significant election in Iraq, to show strong bipartisan support on those points on which we agree. And we agree almost on every point, with the exception of the last paragraph.

I was interested in listening to each of the debates thus far, and I did not hear anyone on that side specifically reinforce this last paragraph, which we cannot accept, nor should the country have Congress send across the airwaves of the world this message:

A campaign plan with estimated dates for the phased redeployment of the United States Armed Forces from Iraq as each condition is met, with the understanding that unexpected contingencies may arise.

Therein is a short paragraph that could completely destabilize this forthcoming election on December 15, sending the wrong message. It is not needed.

This amendment, as drawn, is a very powerful, very powerful statement by the Congress—hopefully, if the House adopts it, but certainly by the Senate—of the need to tell the Iraqi people that we have done our share, we are not going to leave them, but we expect from them equal, if not greater, support than they have given to this date.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, this amendment represents a significant change in the course that we are on and so does the Republican amendment. The title of both amendments is ''To clarify and recommend changes to the policy of the United States on Iraq. . . .'' That is the purpose of my amendment. It is a purpose which is retained in the Warner amendment.

We lay out what those changes are. We agree on almost all of the changes, that ''2006 should be a period of significant transition,'' that there should be ''phased redeployment of United States forces.'' That is on page 2. That is not paragraph 7. They accept the idea that we should create the conditions for phased redeployment. They accept my idea and our idea that the United States ''should tell the leaders of all groups and political parties in Iraq that they need to make the compromises necessary'' for a broad-based political settlement.

We need that political settlement. Our military leaders tell us, if there is any chance of a military victory, you have to have a political settlement. So we endorse paragraph 7. Senator FEINGOLD read it. I have read it. We totally endorse it for what it says. It is not cut and run. It is not a statement that we are going to withdraw on a fixed date.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Who yields time?

The minority leader is recognized.

Mr. REID. Mr. President, I will use leader time.

The ACTING PRESIDENT pro tempore. The Senator may use his leader time.

Mr. REID. Mr. President, today, Senate Democrats offer the most important amendment to this most important bill. Our amendment asks the Bush administration to give our troops in Iraq a strategy that is worthy of their sacrifices and heroic service.

Three years ago, America invaded Iraq with the finest Armed Forces in the world. Our military forces were unchallenged and unmatched, and they remain so today. Unfortunately, the President and this administration have not exercised the leadership our troops deserve. They place our troops in harm's way without a plan for success and have damaged our standing in the world.

It is long past time for the President, the Vice President, and the rest of the Bush White House to level with the American people and present a winning plan and strategy for Iraq and our troops and for the American people. They both deserve this, the troops and the American people.

For the last 3 years, Democrats have stood with our troops and have tried to make certain we did everything we could to help them succeed. From the outset, we offered the administration concrete proposals that would have greatly increased our prospects for success.

We called on the administration to put more troops on the ground, but the administration rejected this call. We fought to provide more body armor and equipment for our troops, but the administration rejected this call. We urged the administration to increase international participation to secure and rebuild Iraq, but the administration rejected this call. We stressed the importance of putting together a plan to win the peace, but the administration rejected this call.

Now, to remind my colleagues, it was not just the advice of Democrats that the administration chose to ignore. It ignored the advice of our senior generals, our friends and allies around the world, teams of weapons inspectors, and even senior officials in the previous Bush administration.

The President and his team also chose to disregard the Powell Doctrine, which holds that military actions should be used only as a last resort where there is a clear risk to national security.

According to this doctrine, if we do choose to fight, we should use overwhelming force, we should ensure that the conflict is strongly supported by the American people, and we should develop a clear exit strategy before we get into the conflict. That is the Powell Doctrine.

Before this administration took office, the Powell Doctrine was supported by the previous two Presidents, our military leaders, and congressional leaders from both sides of the aisle. But this administration turned the Powell Doctrine upside down. They determined that military action should be a first resort, not a last. When the risk to our national security was not clear, they manipulated and cherry-picked intelligence to hype the threat. Instead of using overwhelming force, this administration rejected our senior military leaders' advice and deployed a smaller force. And as we all know, there was not, and is not, an exit strategy to win the peace and bring our troops home.

While we are determined to understand the mistakes this administration made that brought us to this point, we are just as committed to finding a way forward to succeed in Iraq. Every day that goes by, it becomes increasingly clear that the administration's Iraq policy is adrift and rudderless. All they are offering is a bumper-sticker slogan: ''Stay the course.''

''Staying the course'' is not a winning strategy. More than 2,050 soldiers

have died and about 16,000 have been wounded. Iraq now risks becoming what it was not before the war: a haven for international terrorists and, as we saw in Jordan, a new launching pad for terrorist attacks.

In addition, America's taxpayers have already contributed more than $250 billion and are spending an additional $2 billion every week this war continues. In short, our troops deserve more than a slogan. They deserve a real, clear strategy for completing their mission in faraway Iraq.

Our amendment sets forth in the clearest terms the Democrats' view of what the President and the Iraqi people must accomplish to succeed in Iraq and complete our mission.

First, it is time to see a significant transition toward full Iraqi sovereignty with Iraqi forces helping to create the conditions that will eventually lead to the phased redeployment of U.S. Armed Forces. Two thousand six should be a year we take the training wheels off the Iraqi government and let the Iraqi people run their own country.

Second, the administration must tell the Iraqi people, clearly and unambiguously, that U.S. military forces will not stay indefinitely and that Iraqis must achieve a broad-based and sustainable political settlement that is essential for defeating the insurgency.

Third, the President must submit to the Congress and the American people a plan for success in Iraq. The American people deserve to know the conditions we seek to establish, the challenges we face in achieving these conditions, and the progress, if any, being made. As an example, the administration said repeatedly that our forces can stand down as Iraqi forces stand up. The American people deserve to know what that means in real and clear terms. How many capable Iraqi security forces are needed so that we can begin phased redeployment of U.S. forces as our tasks are achieved? How long will it take? Is it no longer acceptable that the President refuses? The answer is yes, it is no longer acceptable not to answer these and many other basic questions about his policy in Iraq. It is not acceptable to this Member of Congress, and it is certainly not acceptable to our troops. Many of those troops are serving their third tour of duty with no apparent end in sight.

With this amendment, Democrats are standing with our troops and the American people, insisting that the President and the Republican-controlled Congress do their jobs. The President must be held accountable and tell our troops and the American people his plan for Iraq and what additional sacrifices will be expected of our troops and the American people. We must honor our troops. We must preserve our national security. We must protect the American people. That is the least we should expect from our Commander in Chief.

I am going to vote for both amendments. Understand that the Democratic amendment and the Republican amendment have the same purpose. It is on both amendments. Purpose: To clarify and recommend changes to the policy of the United States in Iraq and to require reports of matters relating to Iraq. That is the purpose.

Based on what I see here today, the Republicans have no plan and no end in sight. We want to change the course. We can't stay the course. I appreciate, though, the Republicans following the Democrats as far as they have on this amendment. It is a tremendous step forward because we all agree—all 100 Senators, obviously—to clarify and recommend changes in the policy of the United States on Iraq and to require reports on matters relating to Iraq. That is the purpose of both amendments. We stand united. The Democrats stand united. We appreciate the support of the Republicans in this amendment process.

The PRESIDING OFFICER (Mr. COLEMAN). Who yields time?

Mr. WARNER. Mr. President, my understanding is that I have 2 minutes remaining on the 15-minute allocation.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. Given that we have no time to speak of before the amendment of the Senator from South Carolina and Senator LEVIN, I yield my 2 minutes for a matter other than the Iraqi debate, the habeas corpus issue, to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2524

Mr. SPECTER. I thank the Senator from Virginia.

I just want to alert my colleagues to the fact that the amended Graham amendment, which is the subject of newspaper comment but hasn't been the subject of any hearings, apparently agreed to by Senator LEVIN, or at least with fewer objections, this amendment in its present form is blatant court stripping in the most confusing way possible. The language of the amended Graham amendment says that there will be exclusive jurisdiction in the Court of Appeals for the District of Columbia Circuit.

If it means what it says, the Supreme Court of the United States would not have jurisdiction. This language has not been subjected to any analysis or hearing. An earlier part of the amendment provides that no court, justice, or judge shall have jurisdiction to consider the application for writ of habeas corpus. The Supreme Court of the United States, in three decisions handed down in June of last year, gave very substantial, articulated U.S. constitutional law as giving significant rights to the detainees to have an adjudication as to their status.

We have had many efforts at court stripping. Under the language of exclusive jurisdiction in the DC Circuit, the U.S. Supreme Court would not have jurisdiction to hear the Hamdan case which came into sharp focus because Chief Justice Roberts was on the panel there.

This is a sophisticated, blatant attempt at court stripping. It ought to be rejected, and we ought to have an opportunity to give it some thoughtful analysis before these fundamental changes are made.

I thank my colleague from Virginia.

AMENDMENTS NOS. 2518 AND 2519

Mr. MCCAIN. Mr. President, the Iraq amendment under consideration today constitutes no run-of-the-mill resolution and reporting requirement. It is much more important than that, and likely to be watched closely in Iraq—more closely there, in fact, than in America. In considering this amendment, I urge my colleagues to think hard about the message we send to the Iraqi people. I believe that, after considering how either version will be viewed in Iraq, we must reject both.

Reading through each version, one gets the sense that the Senate's foremost objective is the drawdown of American troops. But America's first goal in Iraq is not to withdraw troops, it is to win the war. All other policy decisions we make should support, and be subordinate to, the successful completion of our mission. If that means we can draw down troop levels and win in Iraq in 2006, that is wonderful. But if success requires an increase in American troop levels in 2006, then we should increase our numbers there.

But that is not what these amendments suggest. They signal that withdrawal, not victory, is foremost in Congress's mind, and suggest that we are more interested in exit than victory. A date is not an exit strategy. This only encourages our enemies, by indicating that the end to American intervention is near, and alienates our friends, who fear an insurgent victory. Instead, both our friends and our enemies need to hear one message: America is committed to success in Iraq and we will win this war.

The Democratic version requires the President to develop a withdrawal plan. Think about this for a moment. Imagine Iraqis, working for the new government, considering whether to join the police forces, or debating whether or not to take up arms. What will they think when they learn that the Democrats are calling for a withdrawal plan? The Republican alternative, while an improvement, indicates that events in 2006 should create the conditions for a redeployment of U.S. forces. Are these the messages we wish to send? Do we wish to respond to the millions who braved bombs and threats to vote, who have put their faith and trust in America and the Iraqi Government, that our No. 1 priority is now bringing our people home? Do we want to tell insurgents that their violence has successfully ground us down, that their horrific acts will, with enough time, be successful? No, we must not send these messages. Our exit strategy in Iraq is not the withdrawal of our troops, it is victory.

If we can reach victory in 2006, that would be wonderful. But should 2006 not be the landmark year that these amendments anticipate, we will have once again unrealistically raised the expectations of the American people. That can only cost domestic support for America's role in this conflict, a war we must win.

I repeat that. This is a war we must win. The benefits of success and the consequences of failure are too profound for us to do otherwise. The road ahead is likely to be long and hard, but America must follow it through to success. While the sponsors of each version of this amendment might argue that their exact language supports this view, perceptions here and in Iraq are critical. By suggesting that withdrawal, rather than victory, is on the minds of America's legislators, we do this great cause a grave disservice.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I wish to speak on leader time.

Shortly, we will be voting on two amendments, one offered by Senators LEVIN and REID, and the other proposed by Senator WARNER and myself.

Our amendment, the Republican amendment, shows leadership, signals our commitment, and reflects an exit strategy we call victory. As Chairman WARNER just said a few moments ago, there are many similarities between the two amendments which reflect a lot of broad agreement that we have on the war, the progress to date, and the way ahead.

Notwithstanding the Democrats' political carping of the last several days, and really the last several weeks, these two amendments that we will be voting on are forward-looking. They don't get into the issues that were debated and decided a long time ago in the last election. They are forward-looking. They don't try to rewrite history of how Members voted, why they voted, or what they supposedly meant at the time they voted when they spoke in support of the war.

There is a lot being made in the media about the requirement of a quarterly report, an update on the war's progress, allegations that this in some way shows dissatisfaction with the administration. That is absurd. It is ridiculous. The fact is that Congress, this body, is charged with oversight of the executive branch regardless of which party is in power at the time. This amendment is a continuation of that oversight. It is not a change in policy. It is a continuation of that oversight that we have been conducting for years in the Senate. That includes whether we are looking at prewar intelligence issues or investigating the Abu Ghraib prison abuses or inquiring about the pace of reconstruction efforts in Iraq.

The Senate has been doing this for years. We are already getting much of the information from the administration, largely at the urging of the Republican leadership.

There is a huge, important difference between the two amendments we will be voting on. That main difference between these amendments is that the Democrats' amendment requires a timeline, a plan for withdrawal of U.S. forces from Iraq. Some have referred to this as the cut-and-run provision; that is, pick an arbitrary timeline and get out of Iraq regardless of what is happening on the ground, regardless of the security situation, regardless of the political developments occurring in Iraq. We believe that is dangerous. We believe that is irresponsible. It is irresponsible to tell the terrorists, who we know are waiting to take us out, what that timeline is because the timeline, once exposed, simply says: All we have to do is wait and then we attack. Then we swoop in to overwhelm Iraq's fledgling democracy, once those troops depart, turning Iraq into a safe haven and base of operations to export terrorism abroad.

That is why cut-and-run is the wrong policy. Such a scenario would play very nicely into the plans that we know al-Qaida has. The recently intercepted letter between Zawahiri and Zarqawi laid out what that terrorists' strategy is, to force the United States out of Iraq and use the media and public opinion against us, to turn Iraq into a safe haven, and from there launch their twisted vision of establishing a radical caliphate throughout the Middle East. They laid it out. A cut-and-run strategy plays right into their hands.

That is why telling the enemy our plans is irresponsible and dangerous. That is why the votes on these amendments in a few moments are so important. It is dangerous for our troops in the region, for our Nation, and for the American people.

Democrats want an exit strategy, thinking cut-and-run. What we are for is a victory strategy. The President of the United States has laid that strategy out clearly in four steps: First, defeat the insurgency using military force while helping Iraq build its own security capability; second, help Iraq rebuild its infrastructure and supporting economy to promote growth and prosperity and hope; third, promote democracy in its institutions through a political process that culminates in an elected government that respects and represents the views of all Iraqis; and fourth, integrate that new Iraq into the international community of civilized nations. Four steps, that is the victory strategy.

We have already seen great progress by the Iraqis on each of these issues. As the President has said, U.S. forces will not stay one day longer than necessary. Our troops will step aside as Iraqi forces stand up. Publishing a timeline for our retreat will encourage the terrorists. It will confuse the Iraqi people. It will play into the hands of the Zawahiri and Zarqawi letter. It will discourage our troops, and it sends all the wrong signals to friends and foes alike in this country and, indeed, around the world.

My colleague from Connecticut, Senator LIEBERMAN, made many of these points a few moments ago and again last night when he so eloquently announced his strong support for the Warner amendment. Yes, 2006 will be a transition year for Iraq. We can celebrate that. With elections in 6 weeks, 2006 will be the year a permanent democratically elected government will finally take power, 31 months after the fall of Saddam Hussein. This government will be guided by its recently approved constitution. On October 15, 10.5 million people came out to ratify that constitution. The government will represent the views and the backgrounds and the beliefs and deeds of all peace-loving Iraqis. That is progress.

With Iraqi security forces now numbering 200,000, and their experience and leadership growing every day, I believe we can continue handing our security responsibilities over to Iraqi forces. I also believe that given the professionalism and courage of our Armed Forces, the commitment of the Iraqi people, and the support of the American people, we can achieve the vision. The vision is crystal clear. It is a free, democratic, and prosperous Iraq that is governed by the rule of law, that protects the rights of all Iraqis, that is not a threat to its neighbors, and is a responsible international citizen.

Mr. President, the Republican amendment is not a change in policy. It is not a change in tone as has been suggested on the floor. Our amendment reflects where this body has always been, supportive of the President and supportive of our troops overseas, forward-looking and optimistic, always conscious of the oversight responsibilities of this institution and our obligation as Senators to the American people. Indeed, I urge all of my colleagues to oppose the Levin amendment and to support the Frist-Warner amendment.

Mr. President, I ask for the yeas and nays.

Mr. REID. I yield my leader time to the Senator from Michigan.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. I yield time to the Senator from Michigan. I think I have a minute or 2.

The PRESIDING OFFICER. The Senator has a minute.

The Senator from Michigan.

Mr. LEVIN. Mr. President, the majority leader has railed against language which does not exist in our amendment. Repeating over and over again a cut-and-run strategy is wrong, he tries to create the impression that that is what paragraph 7 proposes. It does not by its own terms. By repeating cutting and running enough I guess the hope is that people who don't read this language will believe that that is the language in paragraph 7. It is not.

What we propose in paragraph 7 is that there be estimated dates, estimated dates if the conditions on the ground are met as the Republican and Democratic amendment both propose occur. Then give us estimated dates for a phased redeployment—estimated dates—if those conditions are met and with the understanding that unexpected contingencies may arise. That cannot be fairly characterized the way the majority leader repeatedly characterized it.

The PRESIDING OFFICER. The Senator has used 1 minute.

The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''nay.''

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. SUNUNU). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 58, as follows:

[Rollcall Vote No. 322 Leg.]

YEAS—40

Akaka	Durbin	Lincoln
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Harkin	Obama
Bingaman	Inouye	Reed
Boxer	Jeffords	Reid
Byrd	Johnson	Rockefeller
Cantwell	Kennedy	Salazar
Carper	Kerry	Sarbanes
Chafee	Kohl	Schumer
Clinton	Landrieu	Stabenow
Dayton	Lautenberg	Wyden
Dodd	Leahy	
Dorgan	Levin	

NAYS—58

Allard	Domenici	Nelson (FL)
Allen	Ensign	Nelson (NE)
Bennett	Enzi	Pryor
Bond	Frist	Roberts
Brownback	Graham	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Burr	Hagel	Smith
Chambliss	Hatch	Snowe
Coburn	Hutchison	Specter
Cochran	Inhofe	Stevens
Coleman	Isakson	Sununu
Collins	Kyl	Talent
Conrad	Lieberman	Thomas
Cornyn	Lott	Thune
Craig	Lugar	Vitter
Crapo	Martinez	Voinovich
DeMint	McCain	Warner
DeWine	McConnell	
Dole	Murkowski	

NOT VOTING—2

Alexander	Corzine

The amendment (No. 2519) was rejected.

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2518

Mr. WARNER. Mr. President, I ask for the yeas and nays on the Warner amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. WARNER. Mr. President, beginning with this vote, all remaining votes will be 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, there is 2 minutes equally divided on the Warner amendment on which the yeas and nays have been ordered.

Mr. WARNER. Mr. President, I am very grateful for the bipartisan support on this amendment. Our amendment is simply taking portions of the Levin amendment, putting them into an amendment that we put together, rather than draw up a totally new amendment, so we can have the maximum bipartisanship but carefully crafting the Warner amendment so that not any words can be construed to indicate there is a timetable for the withdrawal of coalition forces, most particularly U.S. forces.

We are on the verge of an historic election in Iraq for a permanent government in a matter of weeks, and thereafter they have 60 days in which to stand up that government. The next 120 days are absolutely critical. The Warner amendment is forward-looking. It clearly sends a message to the Iraqi people that we have stood with them; we have done our part. Now it is time for them to put their government together, stand strong so that eventually they can exercise total sovereignty and select their own form of democracy. We cannot allow any verbiage to come out of the Congress of the United States that can be construed as a timetable of withdrawal at this critical time.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I intend to vote for the Warner amendment because it represents change, not as much change as we would have liked, and we have debated that and argued that. But there are significant changes that are being proposed in this amendment which we have worked very hard to put in our amendment and we think would represent an improvement. We need to have 2006 be a year of transition. We need to have the administration lay out a strategy. We need to state what our military states, which is that the Iraqis have to solve their political problems and come together and unify if that insurgency is going to be defeated. This amendment continues to say to the administration they need to tell that to the Iraqis.

This amendment also sets up a schedule for conditions that are goals we hope to be achieved on the ground. That ''schedule,'' which is the word that remains in this amendment, is an important schedule that needs to be retained, and it is retained. It needs to be met, and if it is not met, we need to be told what has changed so that it can be met.

I support the Warner amendment as the second-best approach, but it continues to keep the purpose, to clarify and recommend changes to the policy of the United States on Iraq. Keeping that purpose is critical.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired for debate.

The question is on agreeing to the amendment.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 323 Leg.]

YEAS—79

Akaka	Dorgan	Murray
Allard	Durbin	Nelson (FL)
Allen	Ensign	Nelson (NE)
Baucus	Enzi	Obama
Bayh	Feingold	Pryor
Bennett	Feinstein	Reed
Biden	Frist	Reid
Bingaman	Grassley	Roberts
Bond	Gregg	Rockefeller
Boxer	Hagel	Salazar
Brownback	Hatch	Santorum
Burns	Hutchison	Sarbanes
Cantwell	Inouye	Schumer
Carper	Jeffords	Shelby
Chafee	Johnson	Smith
Clinton	Kohl	Snowe
Cochran	Landrieu	Specter
Coleman	Lautenberg	Stabenow
Collins	Levin	Stevens
Cornyn	Lieberman	Sununu
Craig	Lincoln	Talent
Crapo	Lott	Thomas
Dayton	Lugar	Voinovich
DeWine	Martinez	Warner
Dodd	McConnell	Wyden
Dole	Mikulski	
Domenici	Murkowski	

NAYS—19

Bunning	Graham	Leahy
Burr	Harkin	McCain
Byrd	Inhofe	Sessions
Chambliss	Isakson	Thune
Coburn	Kennedy	Vitter
Conrad	Kerry	
DeMint	Kyl	

NOT VOTING—2

Alexander	Corzine

The amendment (No. 2518) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. REED. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2523

Mr. WARNER. Mr. President, may we have order?

I ask the Presiding Officer to once again restate the sequence of votes that are about to take place.

The PRESIDING OFFICER. The Senate will come to order.

The upcoming amendment is the Bingaman amendment to the Graham amendment. The previous order allows 2 minutes of debate.

Mr. WARNER. I thank the Presiding Officer and again remind the Senators the votes are 10 minutes.

The PRESIDING OFFICER. The Senator from Virginia is correct. All votes from here on are 10 minutes.

Mr. WARNER. The time reserved to me under the Bingaman amendment I yield to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, last week we had a debate and vote on whether an enemy combatant terrorist al-Qaida member should be able to have access to our Federal courts under habeas like an American citizen. Senator BINGAMAN is trying to strip that part of the amendment. He is consolidating the habeas petitions into the DC Court of Appeals, but habeas still lies with a standard you can drive a truck through. The court would look at the lawfulness of the detention which would allow, in my opinion, the ability of a terrorist to go into the DC Circuit Court of Appeals and start asking for Internet access under the right of counsel. It is a never-ending process that should never have begun anyway.

I urge a ''no'' vote to make sure the right of appeal is consistent with the law of armed conflict and we do not have unfettered right of court access by enemy combatants to sue us over everything to undermine the war effort. I ask a ''no'' vote consistent with the last vote.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Mexico.

Mr. LEAHY. Mr. President, the Senate is not in order. The Senator should be heard.

The PRESIDING OFFICER. The Senate will come to order.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, last year the Supreme Court said that Federal courts have authority to consider petitions for a writ of habeas corpus. This would apply to prisoners at Guantanamo. People should not be imprisoned without having the ability to challenge the legality of that imprisonment. That is the history of our common law system and our Constitution as well.

I will yield the remainder of my time to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I support the Bingaman amendment and oppose the Graham amendment because the Graham amendment is sophisticated court-stripping. On the face of the Graham amendment, it says the DC Circuit has exclusive jurisdiction, and on the face of it, that even takes away jurisdiction from the Supreme Court of the United States.

To alter habeas corpus in the context where the Supreme Court last June, 2004, found substantial rights of the detainees is court-stripping and would set a very bad precedent, not only for this factual situation but in general.

I thank my colleague from New Mexico.

Mr. KERRY. Mr. President, last week I voted against an amendment introduced by Senator GRAHAM, No. 2515, which stripped the Federal courts of their historic jurisdiction to hear applications for writs of habeas corpus filed by or on behalf of detainees at Guantanamo Bay. I did so because the amendment would have eliminated virtually all judicial review of combatant detentions, including review of the decisions of military tribunals.

Today, I voted in favor of Senator BINGAMAN's amendment No. 2523, because it would have preserved judicial review in the most important areas while also preventing frivolous claims. When the Bingaman amendment failed, I voted for a second-degree amendment No. 2524, which reflected the hard work of Senator LEVIN to provide another means to preserve some form of judicial review of the proceedings at Guantanamo Bay. And, it is my understanding that, as Senator LEVIN stated on the floor of the Senate just yesterday, ''this amendment will not strip courts of jurisdiction over [pending] cases.''

The war on terror presents us with challenges unique in our Nation's history, requiring solutions that are sustainable over the long-term. We have little reason to trust the administration's record on this score. But with these provisions, the Senate declares it is our priority to prosecute the war on terror with every tool at the country's disposal including the rule of law. It remains my priority, and I know the priority of my colleagues, to win this war, to hunt down and destroy terrorists wherever they are, destroy their networks, and make our world safe.

Mr. DURBIN. Mr. President, I support the Bingaman second-degree amendment to the Graham detainee amendment.

The Senator from South Carolina has been a leader on the issue of detention and interrogation policies. I share his goal of setting clear rules for the detention of enemy combatants.

This amendment would do some positive things that I support. It would require the Defense Department to report to Congress on the procedures for determining the status of detainees held at Guantanamo Bay. It would prohibit the Defense Department from determining the status of a detainee based on evidence obtained from torture.

However, I am concerned that one section of the Graham amendment would have very dramatic unintended consequences.

However, subsection (d) of the amendment would eliminate habeas corpus for detainees at Guantanamo Bay. In so doing, it would overturn the Supreme Court's landmark decision in Rasul v. Bush. It would strip federal courts, including the U.S. Supreme Court, of the right to hear any challenge to any practice at Guantanamo Bay, other than a one-time appeal to the D.C. Circuit Court on the limited question of whether the Defense Department is complying with its own rules for classifying detainees. It applies retroactively, and therefore would also likely prevent the Supreme Court from ruling on the merits of the Hamdan case, a pending challenge to the legality of the administration's military commissions.

For these reasons, I am opposed to Senator GRAHAM's amendment.

I will support Senator BINGAMAN's second degree amendment to the Graham amendment. It would preserve the positive elements of the Graham amendment and would strike subsection (d) of the amendment. It would replace subsection (d) with a streamlined judicial review system that would preserve habeas for Guantanamo detainees, consolidate habeas claims in the D.C. Circuit Court, allow claims challenging the legality of detention, and prohibit claims based on ''living conditions,'' e.g. the type of food a person is provided. These restrictions would not apply to people who have been charged by military commissions or who have been determined not to be enemy combatants by a Combatant Status Review Tribunal, CSRT.

The Graham-Levin substitute amendment would somewhat improve the underlying amendment by expanding the scope of review by the D.C. Circuit Court to include whether the CSRT's procedures are legal, but not whether a particular detainee's detention is legal. It would also allow for post-conviction review of military commission convictions. However, the amendment would still eliminate habeas review and overrule the Rasul case. As a result, I will oppose it.

No one questions the fact that the United States has the power to hold battlefield combatants for the duration of an armed conflict. That is a fundamental premise of the law of war.

However, over the objections of then-Secretary of State Colin Powell and military lawyers, the Bush administration has created a new detention policy that goes far beyond the traditional law of war.

The administration claims the right to seize anyone, including an American citizen, anywhere in the world, including in the United States, and to hold him until the end of the war on terrorism, whenever that may be.

They claim that a person detained in the war on terrorism has no legal rights. That means no right to a lawyer, no right to see the evidence against him, and no right to challenge his detention. In fact, the government has argued in court that detainees would have no right to challenge their detentions even if they claimed they were being tortured or summarily executed.

U.S. military lawyers have called this detention system ''a legal black hole.''

Under their new detention policy, people who never raised arms against the United States have reportedly been taken prisoner far from the battlefield, including in places like Bosnia and Thailand.

Defense Secretary Rumsfeld has described the detainees as ''the hardest of the hard core'' and ''among the most dangerous, best trained, vicious killers on the face of the Earth.'' However, the administration now acknowledges that innocent people are held at Guantanamo Bay. In late 2003, the Pentagon reportedly determined that 15 Chinese Muslims held at Guantanamo are not enemy combatants and were mistakenly detained. Almost 2 years later, those individuals remain in Guantanamo Bay.

Last year, in the Rasul decision, the Supreme Court rejected the administration's detention policy. The Court held that detainees at Guantanamo have the right to habeas corpus to challenge their detentions in federal court. The Court held that the detainees' claims that they were detained for years without charge and without access to counsel ''unquestionably describe custody in violation of the Constitution, or laws or treaties of the United States.''

The Graham amendment would protect the Bush administration's detention system from legal challenge. It would effectively overturn the Supreme Court's decision. It would prevent innocent detainees, like the Chinese Muslims, from challenging their detention.

Yesterday, I received a letter from Colonel Dwight Sullivan of the U.S. Marine Corps. Colonel Sullivan is the Chief Defense Counsel in the Office of Military Commissions. He and other military lawyers have gone to court to challenge the legality of the administration's detention policies.

Colonel Sullivan opposes the Graham amendment. In his letter to me, he said:

I am writing to call your attention to serious errors in the arguments advanced by proponents of Amendment No. 2515 to the FY 2006 DOD Authorization Act that would strip Guantanamo detainees of habeas rights.

In his initial floor speech supporting the Amendment, Senator GRAHAM stated, ''Never in the history of the law of armed conflict has an enemy combatant, irregular component, or POW been given access to civilian court systems to question military authority and control, except here.'' That claim simply is not true. As discussed in greater detail below, the Supreme Court considered habeas petitions filed on behalf of seven of the eight would-be German saboteurs in Ex parte Quirin and on behalf of a Japanese general who was a prisoner of war in In re Yamashita.

Senator GRAHAM stated:

Here is the one thing I can tell you for sure as a military lawyer. A POW or an enemy combatant facing law of armed conflict charges has not been given the right to habeas corpus for 200 years because our own people in our own military facing court-martials, who could be sentenced to death, do not have the right of habeas corpus.

Again, Senator GRAHAM's argument is factually incorrect. U.S. servicemembers do have a right to challenge court-martial proceedings through habeas petitions, in addition to the direct appeal rights.

Colonel Sullivan is not the only military leader who has raised concerns about the Graham amendment. Yesterday, every member of the Senate received a letter from nine retired military officers, including seven Generals and one Rear Admiral. Here is what they said about the Graham amendment:

For generations, the United States has stood firm for the rule of law. It is not the rule of law if you only apply it when it is convenient and toss it over the side when it is not.

The Great Writ of Habeas Corpus has been at the heart of U.S. law since the first drafts of the Constitution. Indeed, it has been part of Western culture for 1000 years, since the Magna Carta . . . The restriction on habeas contemplated by Amendment 2516 would be a momentous change. It is certainly not a change in the landscape of U.S. jurisprudence we should tack on to the Defense Department Authorization Bill at the last minute.

The practical effects of Amendment 2516 would be sweeping and negative. America's great strength isn't our economy or natural resources or the essentially island nature of our geography. It is our mission, and what we stand for. That's why other nations look to us for leadership and follow our lead. Every step we take that dims that bright, shining light diminishes our role as a world leader. As we limit the rights of human beings, even those of the enemy, we become more like the enemy. That makes us weaker and imperils our valiant troops. We are proud to be Americans. This Amendment, well intentioned as it may be, will diminish us.

These American patriots, who served our country for decades, say it better than I ever could. This is not about giving rights to suspected terrorists. It is about American values. Secret indefinite detention is not the American way. Eliminating habeas corpus is not the American way. I urge my colleagues to support the Bingaman second-degree amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

The question is on agreeing to the amendment.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''no.''

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 324 Leg.]

YEAS—44

Akaka	Feinstein	Nelson (FL)
Baucus	Harkin	Obama
Biden	Inouye	Pryor
Bingaman	Jeffords	Reed
Boxer	Johnson	Reid
Byrd	Kennedy	Rockefeller
Cantwell	Kerry	Salazar
Carper	Kohl	Sarbanes
Chafee	Landrieu	Schumer
Clinton	Lautenberg	Smith
Dayton	Leahy	Specter
Dodd	Levin	Stabenow
Dorgan	Lincoln	Sununu
Durbin	Mikulski	Wyden
Feingold	Murray	

NAYS—54

Allard	DeMint	Lugar
Allen	DeWine	Martinez
Bayh	Dole	McCain
Bennett	Domenici	McConnell
Bond	Ensign	Murkowski
Brownback	Enzi	Nelson (NE)
Bunning	Frist	Roberts
Burns	Graham	Santorum
Burr	Grassley	Sessions
Chambliss	Gregg	Shelby
Coburn	Hagel	Snowe
Cochran	Hatch	Stevens
Coleman	Hutchison	Talent
Collins	Inhofe	Thomas
Conrad	Isakson	Thune
Cornyn	Kyl	Vitter
Craig	Lieberman	Voinovich
Crapo	Lott	Warner

NOT VOTING—2

Alexander	Corzine

The amendment was rejected.

Mr. GRAHAM. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2524 TO AMENDMENT NO. 2515

The PRESIDING OFFICER. Under the previous order, there is 2 minutes equally divided on the Graham amendment to the Graham amendment.

Mr. GRAHAM. Mr. President, I ask unanimous consent for an additional minute to set the record straight.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, reserving the right to object, is the Senator from South Carolina asking for a second minute for each side?

Mr. GRAHAM. That would be fine. I would like an extra minute. Senator KERRY gave me some very good advice, and I will take it if I am given the time.

The PRESIDING OFFICER. Is there objection to 4 minutes equally divided?

Mr. SPECTER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, this is a serious and very important vote. During the debate last week, I made a statement about what rights our troops would have. Our troops, once they are charged under the Uniform Code of Military Justice, get appeal rights under the military system, and they do have habeas rights about their criminal misconduct.

What I am trying to say—I got it wrong—is when our troops are enemy prisoners there is no right to appeal to

the civil courts wherever they may be, nor has there ever been a right for an enemy prisoner to go to our court. Senator KERRY gave me some good advice. I misstated, and I am sorry. But the concept of an enemy prisoner or enemy combatant not having access to civilian courts has been the tradition of 200 years. We are about to end this whole endeavor on a high note. I thank Senator KYL for being a very constructive finder of solutions, and I thank Senator LEVIN for going that extra mile to find a way we can leave this issue with honor.

This Levin-Graham-Kyl amendment allows every detainee under our control to have their day in court. They are allowed to appeal their convictions, if they are tried by military commissions—a model that goes back for decades to the Federal courts of this country, if they get a sentence of 10 years or the death penalty.

We are going to have court review. An enemy combatant will not be left at Guantanamo without a court looking at whether they are properly characterized. We are doing it in a way consistent with the law of armed conflict, in an orderly way.

I am proud that we are because this is a war of values. We can win this war without sacrificing our values, and part of our values is due process, even for the worst among us.

I thank Senator LEVIN very much. Senator SPECTER's stated that the Circuit Court of Appeals of the District of Columbia is the primary court to hear these cases, but the Supreme Court can receive a certiorari petition from that court.

The PRESIDING OFFICER. Is there a Senator seeking time in opposition?

Mr. SPECTER. Mr. President, when the Senator from South Carolina says the Supreme Court of the United States can take certiorari, it is at variance with the plain language of the statute. The statute says:

The United States Court of Appeals for the District of Columbia shall have exclusive jurisdiction.

Mr. GRAHAM. Mr. President, will the Senator yield?

Mr. SPECTER. No. It means what it says.

I can't yield having only 2 minutes, but I would be glad to hear the Senator afterwards.

It means what it says—the Supreme Court has no jurisdiction.

The great difficulty with the Graham-Levin amendment is that it was worked out yesterday—sort of an affront to the Judiciary Committee, if I may say so—that there is no time for the Judiciary Committee to have a hearing on the matter to consider it.

We are dealing with very fundamental rights, habeas corpus.

Another provision of the Graham-Levin amendment says there shall be no habeas corpus jurisdiction.

There have been repeated efforts in the history of our country to take away the jurisdiction of the courts. Court stripping was a big issue in the confirmation process of Chief Justice Roberts. He ran from it like the plague. He had an early memo. He didn't want to be associated with it.

These are weighty and momentous considerations that go far beyond the detainees at Guantanamo. And we ought not to be deciding these questions on an amendment, which was agreed to yesterday between Senator GRAHAM and Senator LEVIN, and no one has had a chance to study or analyze—most of all the authors—which on the face takes away jurisdiction of the Supreme Court of the United States. It is untenable and unthinkable and ought to be rejected.

Mr. LEAHY. Mr. President, I commend my colleagues across the aisle who are attempting to address the treatment of detainees in U.S. custody, despite resistance from members of their own party and the strong opposition of the White House. I know Senator GRAHAM has worked closely with Senator MCCAIN and others to give our troops the clear guidance they need to effectively detain and interrogate enemy prisoners, and I commend him for that. The legislative branch has not met its obligation of oversight and policymaking in this area. For months, Senator GRAHAM has been prodding the Congress to take action. He is one of the few members of his party to forcefully speak out on the need to change the administration's policies.

While I support Senator GRAHAM's efforts on these issues, I cannot support his amendment to strip Federal courts of the authority to consider a habeas petition from detainees being held in U.S. custody as enemy combatants.

The Graham amendment would deny prisoners who the administration claims are unlawful combatants the right to challenge their detention. At no time in the history of this Nation have habeas rights been permanently cut off from a group of prisoners. Even President Lincoln's suspension of habeas was temporary. The Supreme Court has held numerous times that enemy combatants can challenge their detention.

Many of my colleagues across the aisle argue that terrorists do not deserve access to our Federal courts. This argument would be far more persuasive if all of the detainees at Guantanamo Bay were terrorists. Unfortunately, many of them are almost certainly not. Numerous press accounts have quoted unnamed officials who believe that a significant percentage of those detained at Guantanamo do not have a connection to terrorism. And yet they have been held for years without the right to challenge their detention in a fair and impartial hearing, a situation that does significant harm to our Nation's reputation as a leader in human rights and which puts our own soldiers at risk.

Filing a writ of habeas corpus is often the detainee's only opportunity to openly challenge the basis for his detention. Providing detainees this right is not about coddling terrorists—it is about showing the world that we are a nation of laws and that we are willing to uphold the values that we urge other nations to follow. It is about honoring and respecting the principles that are part of our heritage as Americans and that have been a beacon to the rest of the world. Allowing a detainee to file a habeas petition provides legitimacy to our detention system and quells speculation that we are holding innocent people in secret prisons without any right to due process.

Some Members of the Senate have argued that these prisoners should be tried in the military justice system. I think that we could all agree on such a course if the administration had worked with Congress from the start and established with our approval procedures that are fair and consistent with our tradition of military justice. I introduced a bill in the 107th Congress to do just that. So did Senator SPECTER. The fact is, that the system that has been established by the administration to try individuals held at Guantanamo is not a system that reflects our values. It does not give due process or independent review.

Everyone in Congress agrees that we must capture and detain terrorist suspects, but it can and should be done in accord with the laws of war and in a manner that upholds our commitment to the rule of law. The Judiciary Committee held a hearing on detainee issues in June. At that hearing, Senator GRAHAM said that once enemy combatant status has been conferred upon someone, ''it is almost impossible not to envision that some form of prosecution would follow.'' He continued, ''We can do this and be a rule of law nation. We can prove to the world that even among the worst people in the world, the rule of law is not an inconsistent concept.'' I agree with Senator GRAHAM, but I strongly believe that in order to uphold our commitment to the rule of law, we must allow detainees the right to challenge their detention in Federal court.

As Chairman SPECTER noted on the floor last week, there are existing procedures under habeas corpus that have been upheld by the Supreme Court that do not invite frivolous claims, and that are appropriate. Senator GRAHAM's amendment would not only restrict habeas in a manner never done before in our Nation, but, as the chairman of the Judiciary Committee said last week, it would open a Pandora's box.

The chairman is right. He spoke forcefully again this morning about the danger of such court stripping efforts. We must not rush to change a legal right that predates our Constitution. Creating one exemption to the ''great writ'' only invites more. The Judiciary Committee has jurisdiction over habeas corpus and it should have the first opportunity to review any proposed changed carefully and thoroughly. Although congressional action on the

issue of foreign detainees is long overdue, we must not act hastily when the ''great writ''—something that protects us all—is at stake.

I ask unanimous consent to have printed in the RECORD a letter from the deans of four of our Nation's most prestigious law schools that articulates the dangers of adopting the Graham amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 14, 2005.

DEAR SENATOR LEAHY: We write to urge that the Senate adopt the amendment of Senator Bingaman removing the court-stripping provisions of the Graham Amendment to the Department of Defense authorization bill. As professors of law who serve as deans of American law schools, we believe that immunizing the executive branch from review of its treatment of persons held at the U.S. Naval Base at Guantánamo strikes at the heart of the idea of the rule of law and establishes a precedent we would not want other nations to emulate.

At the Guantánamo Naval Base, the Government has subjected foreign nationals believed to be linked to Al Qaeda to long-term detention and has established military commissions to try a small number of the detainees for war crimes. It is entirely clear that one of the Executive Branch's motivations for detaining noncitizens at Guantánamo was to put their treatment beyond the examination of American courts.

The Supreme Court rejected the Government's claim in Rasul v. Bush that federal habeas corpus review did not extend to Guantánamo. The extent of the rights protected by federal habeas law is now before the Federal Court of Appeals for the D.C. Circuit. Another challenge has been filed to the authority of the President, acting without congressional authorization, to convene military commissions at Guantánamo. Just last week the Supreme Court announced that it would review the case, Hamdan v. Rumsfeld.

The Graham Amendment would attempt to stop both of these cases from proceeding and would unwisely interrupt judicial processes in midcourse. Respect for the constitutional principle of separation of powers should counsel against such legislative interference in the ongoing work of the Supreme Court and independent judges.

Unfortunately, the Graham Amendment would do much more. With a minor exception, the legislation would prohibit challenges to detention practices, treatment of prisoners, adjudications of their guilt and their punishment.

To put this most pointedly, were the Graham Amendment to become law, a person suspected of being a member of Al Qaeda could be arrested, transferred to Guantánamo, detained indefinitely (provided that proper procedures had been followed in deciding that the person is an ''enemy combatant''), subjected to inhumane treatment, tried before a military commission and sentenced to death without any express authorization from Congress and without review by any independent federal court. The American form of government was established precisely to prevent this kind of unreviewable exercise of power over the lives of individuals.

We do not object to the Graham Amendment's procedural requirements for determining whether or not a detainee is an enemy combatant and providing for limited judicial review of such decisions. This kind of congressional structuring of the detention of military prisoners is long overdue, and it highlights the absence of congressional regulation of standards of detainee treatment and the establishment of military commissions. Curiously, the Graham Amendment recognizes the need for judicial review of the determination of enemy combatant status, but then purports to bar judicial review of far more momentous commission rulings regarding determinations of guilt and imposition of punishment.

We cannot imagine a more inappropriate moment to remove scrutiny of Executive Branch treatment of noncitizen detainees. We are all aware of serious and disturbing reports of secret overseas prisons, extraordinary renditions, and the abuse of prisoners in Guantánamo, Iraq and Afghanistan. The Graham Amendment will simply reinforce the public perception that Congress approves Executive Branch decisions to act beyond the reach of law. As such, it undermines two core elements of the rule of law: congressionally sanctioned rules that limit and guide the exercise of Executive power and judicial review to ensure that those rules have in fact been honored.

When dictatorships have passed laws stripping their courts of power to review executive detention or punishment of prisoners, our government has rightly challenged such acts as fundamentally lawless. The same standard should apply to our own government. We urge you to vote to remove the court-stripping provisions of the Graham Amendment from the pending legislation.

T. ALEXANDER ALEINIKOFF,
Dean, Georgetown University Law Center.
ELENA KAGAN,
Dean and Charles Hamilton Houston Professor of Law, Harvard Law School.
HAROLD HONGJU KOH,
Dean and Gerard C. & Bernice Latrobe Smith Professor of International Law, Yale Law School.
LARRY KRAMER,
Dean and Richard E. Lang Professor of Law, Stanford Law School.

Mr. LEVIN. Mr. President, the Graham amendment, which the Senate approved last Thursday, includes a prohibition on Federal courts having jurisdiction to hear habeas petitions brought by aliens outside the United States who are detained by the Defense Department at Guantanamo Bay, Cuba.

The Graham-Levin-Kyl amendment would make three significant improvements to the underlying Graham amendment.

The habeas prohibition in the Graham amendment applied retroactively to all pending cases—this would have the effect of stripping the Federal courts, including the Supreme Court, of jurisdiction over all pending case, including the Hamdan case.

The Graham-Levin-Kyl amendment would not apply the habeas prohibition in paragraph (1) to pending cases. So, although the amendment would change the substantive law applicable to pending cases, it would not strip the courts of jurisdiction to hear them.

Under the Graham-Levin-Kyl amendment, the habeas prohibition would take effect on the date of enactment of the legislation. Thus, this prohibition would apply only to new habeas cases filed after the date of enactment.

The approach in this amendment preserves comity between the judiciary and legislative branches. It avoids repeating the unfortunate precedent in Ex parte McCardle, in which Congress intervened to strip the Supreme Court of jurisdiction over a case which was pending before that Court.

The Graham amendment would provide for direct judicial review only of status determinations by combat status review tribunals, not to convictions by military commissions.

The Graham-Levin-Kyl amendment would provide for direct judicial review of both status determinations by CSRTs and convictions by military commissions. The amendment does not affirmatively authorize either CSRTs or military commissions; instead, it establishes a judicial procedure for determining the constitutionality of such processes.

The Graham amendment would provide only for review of whether a tribunal complied with its own standards and procedures.

The Graham-Levin-Kyl amendment would authorize courts to determine whether tribunals and commissions applied the correct standards, and whether the application of those standards and procedures is consistent with the Constitution and laws of the United States.

This amendment is not an authorization of the particular procedures for the military commissions; rather it is intended to set a standard—consistent with our Constitution and laws—with which any procedures for the military commissions must conform.

Mr. REID. Mr. President, in a series of votes last Thursday and today, the Senate has voted to deny the availability of habeas corpus to individuals held by the United States at Guantanamo Bay, Cuba. I rise to explain my vote against the Graham amendment last week, and my votes in favor of the Bingaman amendment and the Graham-Levin amendment earlier today.

First, let's put the whole issue of the rights of suspected terrorists in context. As Senator MCCAIN said over the weekend, terrorists are ''the quintessence of evil. But it's not about them; it's about us.'' This debate is about respect for human rights and adherence to the rule of law. It is about the continued moral authority of this Nation.

For the past four years, the Bush administration has advocated a policy of detaining suspects indefinitely and largely in secret, without access to meaningful judicial oversight. This policy is inconsistent with our core

values as Americans. In addition, a policy so inconsistent with human rights will further damage America's image abroad and provide more ammunition for those who wish to do us harm.

The writ of habeas corpus is one of the pillars of the Anglo-American legal system. It is the mechanism by which people who are held by the government can seek an independent review of the legality of their detention. Very often the people who rely on habeas corpus are unpopular, whether they are convicted criminals or suspected terrorists. But habeas corpus protects all of us—it is the way we ensure that the executive branch acts within the bounds of the law.

The amendment offered by Senator GRAHAM last week created an exception to the habeas corpus rights established in title 28 of the United States Code. It contained a separate, essentially hollow review of whether the Defense Department had complied with its own procedures in declaring someone an enemy combatant. In a practical sense, the amendment put the actions of U.S. officials with respect to the Guantanamo detainees beyond the reach of the law, and created a legal no-man's land. I opposed the Graham amendment for this reason.

Nobody thinks that detainees should be able to file habeas petitions about what kind of peanut butter they are served or whether they can watch DVDs. That is not what this is about. This is about whether we are going to permit the President to detain a human being indefinitely without independent judicial review.

I want to draw the attention of my colleagues to an op-ed published in the Washington Post yesterday by one of the pro bono lawyers for the Guantanamo Bay detainees. The lawyer describes the importance of habeas review for his client, who remains in jail despite the military's determination that his client was innocent and was not associated with al-Qaida or the Taliban.

The writ of habeas corpus is for people like this. It is for figuring out whether those held at Guantanamo are in fact terrorists—and whether they are held lawfully and in accordance with the requirements of the Constitution.

In addition, the Senate recently passed, by a vote of 90 to 9, the McCain amendment to prohibit the use of torture at Guantanamo and elsewhere. The Graham amendment would undermine this prohibition by preventing its enforcement by the Federal courts. The Federal courts exist to vindicate important rights. In general, this jurisdiction-stripping amendment would trample on the independence of the judiciary and violate principles of separation of powers.

Today the Senate voted on two amendments to improve the Graham amendment. I supported the Bingaman amendment, because it would have preserved the fundamental right of habeas corpus, while at the same time streamlining judicial review of Guantanamo cases and ensuring that only the most serious cases are before the Federal courts. I applaud the Senator from New Mexico for his defense of habeas corpus and I regret that his amendment did not pass.

I also voted in favor of the Graham-Levin amendment because it is an improvement over the original Graham amendment, which, as the vote last week demonstrated, would have passed the Senate with or without improvements. Importantly, the Graham-Levin amendment would allow courts to consider whether the standards and procedures used by the Combatant Status Review Tribunals are consistent with the Constitution and U.S. laws, and would allow for court review of the actions of military commissions.

As a supporter of the Graham-Levin amendment, let me state my understanding of several important issues. First, I agree with Senator LEVIN that his amendment does not divest the Supreme Court of jurisdiction to hear the pending case of Hamdan v. Rumsfeld. I believe the effective date provision of the amendment is properly understood to leave pending Supreme Court cases unaffected. It would be highly irregular for the Congress to interfere in the work of the Supreme Court in this fashion, and the amendment should not be read to do so.

Second, I do not understand this legislation to represent a congressional authorization of the military commissions unilaterally established by the executive branch at Guantanamo Bay. We would hardly authorize these commissions based upon a few hours of floor debate. Instead, I regard this legislation as establishing a process for the federal courts to review the constitutionality of the commissions. To the extent that question turns on whether Congress has authorized or recognized the commissions, nothing we have done today lends support to the argument that the commissions are a valid exercise of executive authority.

Third, Senator SPECTER raised the question of whether the grant of ''exclusive jurisdiction'' to the DC Circuit precludes Supreme Court review of the DC Circuit's final orders in these cases. I do not understand the amendment to strip the Supreme Court of such appellate jurisdiction. Congress often grants ''exclusive jurisdiction'' to one court or another, but that phrase is not understood to preclude appeals through the usual means.

Finally, there may be questions about what Congress meant when it directs the courts to review ''whether subjecting an alien enemy combatant to such standards and procedures is consistent with the Constitution and laws of the United States.'' In my view, the Federal court should hear any factual or legal challenge by a detainee who contests being classified as an enemy combatant in the first place.

Even after adoption of the Graham-Levin amendment, the underlying Graham amendment still strips the courts of jurisdiction to hear habeas corpus petitions. For this reason, I oppose the final Graham amendment as amended. I hope it is either improved in conference or deleted altogether.

But even if the Graham amendment is enacted into law, the Judiciary Committee should hold hearings to define the rights of the detainees at Guantanamo with greater care and to develop sensible procedures for enforcing those rights. It is of the utmost importance that this Congress work to preserve the principles of human rights and the rule of law upon which this Nation was founded.

The PRESIDING OFFICER. The question is on the Graham amendment.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment, and the clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 14, as follows:

[Rollcall Vote No. 325 Leg.]

YEAS—84

Akaka	Domenici	McConnell
Allard	Dorgan	Mikulski
Allen	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feinstein	Nelson (FL)
Bond	Frist	Nelson (NE)
Boxer	Graham	Obama
Brownback	Grassley	Pryor
Bunning	Gregg	Reed
Burns	Hagel	Reid
Burr	Hatch	Roberts
Cantwell	Hutchison	Salazar
Carper	Inhofe	Santorum
Chafee	Inouye	Schumer
Chambliss	Isakson	Sessions
Clinton	Jeffords	Shelby
Coburn	Johnson	Smith
Cochran	Kerry	Snowe
Coleman	Kohl	Stabenow
Collins	Kyl	Stevens
Conrad	Landrieu	Sununu
Cornyn	Levin	Talent
Craig	Lieberman	Thomas
Crapo	Lincoln	Thune
DeMint	Lott	Vitter
DeWine	Lugar	Voinovich
Dodd	Martinez	Warner
Dole	McCain	Wyden

NAYS—14

Baucus	Durbin	Leahy
Biden	Feingold	Rockefeller
Bingaman	Harkin	Sarbanes
Byrd	Kennedy	Specter
Dayton	Lautenberg	

NOT VOTING—2

Alexander	Corzine

The amendment (No. 2524) was agreed to.

Mr. WARNER. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2515, AS AMENDED

Mr. WARNER. Mr. President, we now turn to the underlying amendment. It is my understanding the Senator from South Carolina has agreed to a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2515, as amended.

The amendment (No. 2515), as amended, was agreed to.

Mr. LEVIN. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR RECESS

Mr. REID. Mr. President, I ask unanimous consent that the time for the recess, which is already part of the order of the Senate, be extended until 2:30. I am sure both caucuses have a lot of work to do, and we could convene at 2:30.

Mr. MCCONNELL. Reserving the right to object, if we could just withhold for a moment and discuss it.

Mr. REID. Of course.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

Mr. WARNER. Mr. President, I presume, now that the quorum call has been withdrawn, that under the unanimous consent agreement, the Senate may now move to third reading of the bill.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I appreciate very much the chairman of the subcommittee and the ranking member, Senators SHELBY and MIKULSKI, for being understanding. I ask unanimous consent that the recess be extended until 2:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

Mr. FRIST. Mr. President, I think it is a reasonable request by the Democratic leader so we can get on with this vote and go to our caucuses. The reason there was an initial objection to it was because Senator SHELBY, chairman of the committee, had something he had to move. But we will work it out and start at 2:30. We will have plenty of time for our caucus lunch.

IRAQI MILITARY EQUIPMENT

Mr. DODD. Mr. President, it is in our Nation's interest and in our own troops' interests to ensure that Iraqi security forces, fighting side by side with America's soldiers and marines, are well-trained and well-equipped. As the chairman of the Armed Services Committee has indicated, our capacity to transfer security responsibilities to the Iraqis will chiefly rely on one thing—the ability of Iraqi forces to stand up and assume control over their nation's security.

To successfully complete the mission in Iraq and to bring our troops home as quickly as possible, we need to ensure that lraq's soldiers and policemen have the capacity to assume control over their nation's security and law enforcement. And in the immediate term, as our troops deploy on patrol with their Iraqi partners, they need to know that they can rely on Iraqi forces to shoulder their share of combat operations.

Achieving this goal is not only a matter of training Iraq's soldiers and policemen. We need to also ensure that they are adequately equipped to perform their missions safely and effectively. Last week, the New York Times reported on the difficulties Iraqi troops are facing in procuring inadequate armor and safety gear. According to that article, the biggest shortage is in fortified vehicles. Tragically, Iraqis are being required to patrol the same roads and marketplaces that are besieged on a daily basis by improvised explosive devices and suicide bombers without any armored protection or heavy vehicles. With several hundred Iraqis operating in military vehicles, only three dozen such vehicles are outfitted with protective armor. We need to do better than that if we expect Iraqi troops to have even a fighting chance. But at the same time, we also need to recognize that the needs of our own troops are of paramount concern. That is why, with the chairman's support, I offered an amendment to reimburse troops for protective gear that they purchased; why we have supported rapidly fielding increasingly more armored protection to U.S. soldiers, sailors, airmen, and marines deployed in Iraq and Afghanistan; why the Senate supported the chairman's amendment last July to add an additional 1,800 up-armored HMMWVs for the U.S. Marines Corps; and why, yesterday on the bill, we voted to add an additional $360 million for even more armored vehicles.

Members of this body have few higher priorities than the safety and well-being of our troops deployed in harm's way. And there is no greater champion of the American GI than the current chairman of the Armed Services Committee. Therefore, I am sure that he would agree that the best way we can safeguard the safety and security of our troops is to ensure that U.S. forces can complete their mission and return home as soon as possible. Doing so will require well-equipped as well as well-trained Iraqi forces to take over from U.S. forces the responsibilities for maintaining peace and order through Iraq.

Mr. WARNER. I thank the Senator from Connecticut. He has raised a significant concern that we both, and many others in this body, share. There is no question we must continue to provide our magnificent soldiers, sailors, airmen, and marines with the finest equipment available to meet the mission requirements in Iraq and elsewhere around the world. In Iraq, there is no doubt that efforts to train and equip Iraqi Security Forces are decisive to Iraq's future and a major element in the policy of the United States. Lieutenant General Petraeus performed masterfully as Commander of the Multi-National Security Transition Command in Iraq that was charged with training the Iraqi Security Forces and now Lieutenant General Dempsey has the reins on this mission. During the most recent elections in Iraq, the performance of Iraqi Security Forces was an important contributor to that success. The Iraqi Security Forces provided protection to more than 6,000 polling sites. That was a very positive step in the right direction, but we still have some way to go in training and equipping the Iraqi Security Forces. As chairman of the Senate Armed Services Committee, I am monitoring the readiness of these Iraqi units. The viability of Iraqi units must be measured by a series of indicators, including efforts to measure intangibles such as morale and unit cohesion, as well as quantifying the military training of Iraqi Security Forces and the distribution of weapons and equipment. As the Senator from Connecticut indicated, the quality of the weapons and equipment we provide to the Iraqis must be of the caliber that contributes to the discipline, confidence, and morale of the Iraqis we are training. It is in the best interest of all that we move quickly to equip the Iraqi Security Forces with the proper equipment. We cannot ask the Iraqi Security Forces to conduct patrols or engage in battle in pickup trucks and SUVs while the embedded American forces are in up-armored HMMWVs and Bradley Fighting Vehicles. I am prepared to work with my colleague and the Secretary of Defense to provide suitable equipment for the Iraqi Security Forces. I am also prepared to work with other elements of the administration to engage our Allies and partners in this effort. I, for one, do not believe we have time to build and then rebuild the Iraqi Security Forces.

Mr. DODD. I thank the chairman for his statement and applaud his commitment to improving the availability of suitable equipment to the Iraqi Security Forces. As I said before, I share his belief that our first obligation is to the safety and well-being of our men and women deployed in harm's way. In that same token, I also appreciate his assertion that ensuring Iraqi troops have the equipment they need is in the security interest of our Nation and our

troops. I urge the administration to—make available to the Iraqis adequate force protection equipment as soon as possible to allow them to take the lead in Iraq, and, ultimately, operate independently in securing their own country.

As American forces upgrade their own armor and safety equipment, perhaps the Departments of Defense and State will consider making available to Iraqi forces some of the older equipment of the United States, to allow Iraqis the ability to operate side by side with American forces. As U.S. forces upgrade their armored vehicles in Iraq, from what is called Level One protection to the more advanced Level Two protection, we might wish to consider distributing these older vehicles to Iraqi forces. And perhaps, when American forces eventually withdraw from Iraq, the United States would further consider leaving their older Level One armored fleet for use by the Iraqis. Another option might be to seek out other non-U.S. sources of armored vehicles to replace the substandard equipment that the Iraqis are currently using.

The sooner we can properly train and equip these Iraqi police and military units, the sooner we can get our troops home safe and secure. And that must be our principal objective in completing Operation Iraqi Freedom.

I thank the Chairman for engaging in this colloquy.

Mr. OBAMA. Mr. President, I rise today to thank my colleagues, the senior Senator from Virginia and the Senior Senator from Michigan, for their hard work in getting the fiscal year 2006 Defense authorization bill to the floor and for including in the bill two amendments I offered. These amendments will directly affect the quality of health care we provide our Nation's armed forces.

As many of you know, the Department of Veterans Affairs, VA, has created one of the most effective electronic medical records systems in the Nation. Despite a number of problems at the VA—from funding shortfalls to delayed benefits—the electronic medical records system is one of the VA's great successes and serves as a national model. Unfortunately, the Department of Defense, DOD, has not created a similar system for members of the military.

Despite a significant expenditure of time and money, the Department of Defense appears to be far from completion of its system, the Composite Health Care System II, CHCS II. Consequently, we have soldiers who have honorably served their country leaving the military and entering the VA system, and yet there is no easy way to transfer their medical records to the new health care system. This lack of compatibility results in severe inefficiencies and delayed benefits for our veterans. This is a problem that the national veterans' service organizations have highlighted over the years, but despite their efforts, the Department of Defense is still lagging behind the VA.

The Government Accountability Office, in a report released last year, found that one of the primary reasons for the Defense Department's severe delays in producing a compatible medical records system is the lack of strong oversight of the process. My amendment is an effort to implement some oversight. Pursuant to my amendment, 6 months after enactment of the bill, the DOD would be required to report to Congress on the progress being made on the development of the CHCS II system, the timeframe for implementation of the system, a cost estimate for completion of the system, and a description of the management structure used in the development of the system.

I also want to thank Senators LEVIN and WARNER for accepting my amendment requiring that DOD report to the Senate and House Armed Services Committees about its pandemic flu preparedness activities. When pandemic flu strikes, many of our military and civilian personnel will be at high risk for infection, particularly those deployed in Asia where avian flu poses the greatest current risk; military and civilian personnel in this country also will likely be involved in domestic response activities in the event of a pandemic. Our Nation's security is contingent on a healthy military, and we must ensure that these members will be protected.

It is Congress's duty to oversee the delivery of health care to our Nation's soldiers, and these amendments will help in our efforts to exercise this oversight. I hope to work with the conferees on this authorization bill to retain these provisions in conference.

Mrs. CLINTON. Mr. President, the Senate today is considering the Department of Defense authorization bill for the 2006 fiscal year. As a member of the Senate Armed Services Committee, I have attended numerous hearings and participated in the markup of this legislation. And I want to commend the chairman of the Senate Armed Services Committee, Senator WARNER, and the ranking member, Senator LEVIN, for the serious, bipartisan approach they have taken in preparing this bill for consideration on the Senate floor.

I just returned from an International Rule of Law symposium focusing on the need to create an international rule of law movement. As we talk today about providing our troops with the support they need to serve our Nation, it is also important to recognize that we should be doing all we can to make sure that we are not tarnishing their service. As we promote the rule of law in other societies, we need to begin by recognizing that the United States has a special heritage and a special responsibility—a responsibility not to be perfect, for that is impossible, but to admit our mistakes and use the rule of law to mend them, not to cover them up. When we fail that standard, we harm the ideals we most seek to promote—and undermine the foundations of our own society and our influence around the world.

That is why it is so important that we send a clear signal that the mistreatment of prisoners under our control was a mistake that will not happen again. Our commitment to the rule of law demands it. The men and women who signed up to defend our country, not to defend accusations of torture, deserve it.

It is very unclear whether any good information ever comes from torture—many experienced intelligence officers say no. But it is crystal clear that the bad consequences of this high-level political decision will haunt us for years—in how hostile armies treat our soldiers; how foreign governments judge our trustworthiness; and how foreign citizens respond to our best shared values, like faith in the rule of law.

This DOD authorization bill is critically important, particularly with our service men and women serving bravely in Iraq, Afghanistan, and around the world. We owe it to our men and women in uniform to do everything we can to support them.

Back when we first considered the DOD authorization bill in July, the Senate accepted an amendment Senator GRAHAM and I offered to make Tricare available to all National Guard members and reservists.

This week, the Senate has accepted another amendment I offered—this one with Senator COLLINS—that will improve financial education for our soldiers. This is a problem that has plagued military service men and women for years: a lack of general knowledge about the insurance and other financial services available to them.

This amendment instructs the Secretary of Defense to carry out a comprehensive education program for military members regarding public and private financial services, including life insurance and the marketing practices of these services, available to them. This education will be institutionalized in the initial and recurring training for members of the military. This is important so that we don't just make an instantaneous improvement, but a truly lasting benefit to members of the military.

This amendment also requires that counseling services on these issues be made available, upon request, to members and their spouses. I think it is very important to include the spouses in this program, because we all know that investment decisions should be made as a family. Too many times, a military spouse has to make these decisions alone, while their husband or wife is deployed.

This amendment requires that during counseling of members or spouses regarding life insurance, counselors must include information on the availability of Servicemembers' Group Life Insurance, SGLI, as well as other available

products. It requires that any junior enlisted member—those in the grades of E1–E4—that they must provide confirmation that they have received counseling before entering into any new contract with a private sector life insurer. It is my expectation that this will help prevent our young troops from being taken advantage of by unscrupulous insurance companies.

I am proud my fellow Senators support this legislation and I look forward to working hard during conference to ensure its incorporation in the final bill put before the President.

Today, I would also like to speak about several issues that, while unlikely to be brought up as amendments to this bill, we will have to seriously consider during conference.

The first is the extremely important issue of the role of women in combat. In the House Armed Services Subcommittee markup of the Defense bill, a provision was inserted that would have turned back the clock on the roles that women play in our military. The uproar over this provision from the public and from the Pentagon was strong. General Cody, the Vice Chief of Staff of the Army, wrote a letter to the House Armed Services Committee explaining that such a provision would disrupt our forces serving overseas. The House Armed Services Committee withdrew the offending provision and instead included a provision to codify the Pentagon's 1994 policy regarding women in combat. I am uncertain that this policy needs to be codified and will be looking at this language closely in conference.

Because of the House's efforts to restrict the role of women, I want to take a few minutes to recognize the enormous contributions that women have made and continue to make to our military.

Women have a long history of proud service in our Armed Forces. Women have served on the battlefield as far back as the American Revolution, where they served as nurses, water bearers, cooks, laundresses, and saboteurs. Since that time, opportunities have increased, especially since 1948 when the Women's Armed Services Integration Act of 1948 was passed.

More than 200,000 women currently serve, making up approximately 17 percent of the total force. Thousands of women are currently serving bravely in Iraq, Afghanistan, and elsewhere. During my own visits to Iraq—and as I am sure that many of my colleagues who have also visited Iraq can also attest—I witnessed women performing a wide range of tasks in a dangerous environment. In Iraq, the old distinctions between the front lines and the rear are being blurred, and women are ably shouldering many of the same risks as men. And when I have met with women soldiers in Iraq and Afghanistan, they have not complained that they are being placed in harm's way. To the contrary, they have expressed pride in being able to contribute to the mission.

At a time when our Armed Forces are struggling to meet recruiting and retention goals, it makes no sense to further restrict the role of our women in uniform. Doing so would only add to the strain on our Armed Forces and undermine the morale of our service members.

Since September 11, our Armed Forces have stretched to meet new and growing needs. It is essential that we fully utilize and retain personnel. Women in uniform have increasingly served in the line of fire, performing honorably and courageously in service to our country. Over 100,000 women have been deployed in support of military operations since September 11. Imagine the strain that our forces would suffer if many of these women were suddenly deemed ineligible to serve in their current roles.

Our soldiers, both men and women, volunteered to serve their Nation. They are performing magnificently. There should be no change to existing policies that would decrease the roles or positions available to women in the Armed Forces. Earlier this year, I introduced, along with several of my colleagues, a sense-of-the-Senate resolution stating that there should be no change to existing laws, policies or regulations that would decrease the roles or positions available to women in the Armed forces.

As we approach the conference, I will oppose any efforts that would send a negative signal to women currently serving and I hope my colleagues will join me in preserving the ability of women to fully serve their country.

As we talk about honoring those who serve, I would also like to draw the attention of my colleagues to another piece of legislation that I have introduced in the Senate, the Cold War Medal Act of 2005.

It is important that we remember and honor the contributions of all veterans, from our World War II veterans to those just returning from Iraq. It is especially important that we not forget those who served during the Cold War, a decades-long struggle that, even in the absence of a formal declaration of hostilities, was for nothing less than the future of the world.

Our victory in the Cold War was made possible by the willingness of millions of Americans in uniform to stand prepared against the threat from behind the Iron Curtain.

That is why I have introduced legislation, S. 1351, the Cold War Medal Act of 2005, to create a military service medal to members of the Armed Forces who served honorably during the Cold War.

This is the companion bill to legislation that was introduced on the House side by Congressman ANDREWS. This legislation would establish a Cold War Medal for those who served at least 180 days from September 2, 1945 to December 26, 1991. About 4.8 million veterans would be eligible to receive this medal.

Our victory in the Cold War was a tremendous accomplishment and the men and women who served during that time deserve to be recognized. This legislation has been included in the House-passed version of the Defense authorization bill and I intend to encourage my colleagues in both the House and Senate to support its inclusion in the bill that emerges from the House-Senate conference.

It is also important that we honor those men and women who are currently serving. One issue that has come to my attention is the status of National Guard members who served at Ground Zero in the aftermath of September 11. In the rush to send National Guard members to Ground Zero immediately after the attacks on September 11, New York's Governor activated them in their State status. However, many of these Guard men and women ended up serving at Ground Zero for over a year. Since they were in their State status, these Guard men and women did not qualify for Federal retirement credits. However, other New York National Guardsmen who were activated to protect Federal installations after September 11 were activated in their Federal status. The result was that two groups of Guardsmen were created. Each group served honorably after September 11, but the Guardsmen serving at Ground Zero did not earn retirement credit, while the Guardsmen protecting Federal installations did earn that credit. Several months ago, I introduced legislation, S. 1144, to remedy this injustice. This legislation was included in the House's version of the Defense authorization bill and I will once again urge my colleagues to support this in the House-Senate conference on the legislation.

One issue that is not addressed in either the House or the Senate version of the Defense authorization bill is our spending priorities for science and technology at the Defense Advanced Research Projects Agency, DARPA. I would like to use the remainder of my time to raise some concerns that I have regarding the Department of Defense's investments in science and technology and disturbing trends in our investments in the longer term, basic research—investments that will develop the next generation of capabilities on which our military superiority will depend. To put it plainly, I am concerned that DARPA is losing its focus on basic and early stage research.

The Department's science and technology programs make investments in research at our nation's universities and innovative high-tech small businesses in areas such as robotics, artificial intelligence, and nanotechnology. In the past, we have seen these investments grow into revolutionary capabilities that our military takes for granted today. We have seen the fruits of these investments support our efforts in the global war on terrorism and operations in Iraq and Afghanistan.

That is why I am concerned that the Department of Defense seems to be systematically underinvesting in fundamental and long-term research programs that will shape the military of the future. I note that the Department's science and technology request for 2006 was down $2.8 billion from the 2005 appropriated level and even $28 million below the original 2005 budget request. In fact, the request is so low it has triggered a congressionally mandated Defense Science Board review of the effects of the lowered S&T investment on national security. I look forward to seeing the results of that review. I am pleased that this bill has increased those funding levels by over $400 million. While I understand the need to focus efforts on current events and operational issues—we cannot do it at the expense of sacrificing the research base that shapes the military of the future.

Of particular concern to me are the trends in funding of DOD's premier research agency. DARPA has been the engine of defense innovation for nearly 50 years—spawning innovations such as the Internet, unmanned air vehicles, and stealth capability—a record of unmatched technological accomplishments of which we should all be proud. However, I am concerned that in recent years—despite tremendous overall budgetary increases—DARPA has lost some of its unique, innovative character and is no longer funding the ''blue sky'' research for which it is famous.

Concern over DOD's, and especially DARPA's support for early stage research has come from a number of distinguished scientific circles. The National Academy of Sciences, in a recent report requested by the Senate Armed Services Committee, recommended that ''DOD should redress the imbalance between its current basic research allocation'' and its needs to support new technology areas, new researchers, and especially more unfettered or long-term research.

President Bush's own Information Technology Advisory Committee, PITAC, recently noted that DARPA had decreased funding in the critical area of cybersecurity research, stating, ''. . . very little, if any, of DARPA's substantial cybersecurity R&D investment was directed towards fundamental research.'' They also noted a ''shift in DARPA's portfolio towards classified and short-term research and development and away from its traditional support of unclassified longer-term R&D.''

The Defense Science Board has also raised concerns over DARPA's funding of computer science, stating that DARPA has further limited university participation in its computer science programs. These limitations have arisen in a number of ways, including non-fiscal limitations, such as the classification of work in areas that were previously unclassified, precluding university submission as prime contractors on certain solicitations, and reducing the periods of performance to 18–24 months.'' That kind of short term-focus is not conducive to university programs or to addressing broad, fundamental technical challenges—especially when research in computer science is helping develop and shape our networked forces of the future.

I know that our chairman, Senator WARNER, is also a great supporter of DOD research programs and the committee has taken a number of steps to ensure that these programs are well-managed and adequately funded. In addition to the National Academy study that I mentioned above, the Senate Armed Services Committee has initiated a Defense Science Board, DSB, review of the position of the Director of Defense Research and Engineering. This position also serves as the Chief Technology Officer of DOD, and the head of all science and technology programs. The committee has been concerned that the position does not have adequate authority to advocate for S&T budgets or ensure that Services and DARPA programs are well-coordinated into a broader defense technology strategy. I understand that the DSB should report out its findings sometime later this year.

I hope the members of the Armed Services Committee, and indeed the entire Senate, will consider carefully the findings of these expert, independent studies and reports. At a time when we are so dependent on technologies to combat IEDs, treat battlefield injuries, and defend our homeland, we should make sure that DOD's science and technology organizations—especially DARPA—are adequately funded, well managed, and investing in the development of capabilities for the battlefields of both today and tomorrow.

I look forward to working with the committee to look closely at DARPA and the entire DOD S&T program. Although we should be clearly focused on the issues our troops are facing here at home, in Iraq, Afghanistan and elsewhere, we cannot afford to lose sight of the important role that scientific research plays in developing the military of the future.

Mr. President, I look forward to working with my colleagues in the Armed Services committee and in the Senate as well as the House on the issues that I have discussed today.

Mr. SALAZAR. Mr. President, I rise to support the Defense authorization bill for the 2006 fiscal year, and to comment on several amendments to the bill that build on the good work of the Armed Services Committee under the leadership of Chairman WARNER and Ranking Member LEVIN.

I am pleased that this bill includes an amendment I offered to create a grant program for employment services provided to the spouses of certain members of the Armed Forces. Many of our men and women in uniform change duty stations every 2 to 5 years, wreaking havoc on their spouses' careers. Additionally, when Reservists and National Guardsmen are called to active duty, many of their spouses enter the workforce to make up the difference between civilian and military pay.

It is not just those in uniform who make sacrifices for this country. Military families need our support as well. My amendment would create a DoD grant program for workforce boards established under the Workforce Investment Act of 1998. Many of these centers already provide employment services for military spouses through the National Emergency Grant fund under the Department of Labor, but this fund has been severely strained.

This DOD grant program will provide assistance to spouses who have lost their job to accommodate a servicemember's permanent change in duty station. It will also assist spouses who have experienced a reduction in family income due to a servicemember's deployment, disability, death or the activation of a National Guardsman or Reservist.

Helping our military families cope with the disruption that comes with deployment cycles and frequent moves is the least we can do, and I thank the managers for including my amendment.

I have also cosponsored an amendment with Senator LANDRIEU that will allow up to $10 million under Title VI, the Defense Health Program, to be used for mental health screenings for members of the Armed Forces.

Mental health experts predict that because of the intensity of warfare in Iraq and Afghanistan 15 percent or more of the servicemembers returning from these conflicts will develop post-traumatic stress disorder, PTSD. This nearly equals the PTSD rate for Vietnam War veterans, and the Veterans Affairs' National Center for Post Traumatic Stress Disorder estimates rates of PTSD could reach as high as 30 percent.

Additionally, concussions both small and large can cause what is known as Traumatic Brain Injury, or TBI. While there are no service-wide figures available on how many troops are affected by TBIs, doctors at Walter Reed found that 67 percent of the casualties they treated in a 6-month period had brain injuries. This is far higher than the 20 percent figure that military doctors documented in Vietnam and other modern wars. Because of the number of soldiers affected by TBIs they are being called the ''signature injury'' of the war.

Rates of TBI in Iraq and Afghanistan are high because of soldiers' frequent exposure to improvised explosive devices. Thanks to dramatic improvements to body armor and vehicle armor in recent years, these explosions, thankfully, often do not kill a soldier. But the blast jars their brain, often causing bruising or permanent damage. Studies of veterans who suffered TBIs

in previous wars indicate that they experience cognitive deficits in social behavior, reasoning, attention, and planning that need effective diagnosis and rehabilitation.

Without more mental health screenings, too many of these injuries will continue to go undiagnosed. This amendment will help to diagnose soldiers earlier, and improve their long-term quality of life. I am pleased that it has been included in the bill.

This bill also includes an amendment I authored to allow the Office of Special Events within the Department of Defense to provide more support to paralympic competitions in the United States. This is a matter of basic fairness. The Pentagon currently supports Olympic and other international games. This amendment just makes it easier for the Pentagon to support such competitions and this is especially important now, as so many of our seriously injured servicemembers are working to rebuild their lives and find new outlets for their drive and determination.

This bill also contains an amendment I authored as a result of a letter I received from one of my constituents. He is an Army specialist and is currently deployed to Iraq. He wrote to me because one of his friends was killed by an IED while sitting in the exposed gunner's seat of a Humvee. His letter reads as follows:

Two days ago a good friend of mine was killed in action when an Improvised Explosive Device (IED) detonated next to his M1114 Humvee. He was sitting in the gunner seat and pulling rear security. I have seen automated guns that can go on the top of these same Humvees. These guns are controlled from inside the vehicle. Why are these guns not on every Humvee? I do not have the time or the resources over here to check, but if you were to look into it I believe you would be shocked at the percentage of KIA's that were sitting in the gunner's seat of Humvees since OIF 1 in 2003. All I do know is that the four people that were inside the vehicle were physically unharmed. If the answer is money, then I would really like to know how much my friend's life was worth.

Since receiving that letter I have been in close contact with the Pentagon about the technology this young specialist is referring to. The Common Remotely Operated Weapons Station, known as CROWS, can move our soldiers out of the exposed gunner's seat and inside the protective shell of an up-armored Humvee.

In a CROWS-equipped vehicle, the gunner controls a powerful weapons platform through a computer screen. The system can be mounted on a variety of platforms, and it gives a solder the capability to acquire and engage targets while protected inside the vehicle, out of range of enemy fire or IED attacks.

Right now we have a few of these systems deployed in Iraq, and I am told that our soldiers ''hot seat'' them, which means that when one of these Humvees comes back from a patrol or an escort mission, another group of soldiers takes the vehicle out again as soon as they can gas it up.

My amendment would express the sense of the Senate that the administration should ask for full funding of this program in their next supplemental budget request. I appreciate the managers' support for my efforts to send a strong signal to the Pentagon about this important priority.

Another amendment, which I cosponsored, will resolve the last remaining obstacle to the creation of the Rocky Flats National Wildlife Refuge. The amendment authorizes the Department of Energy to spend up to $10 million to acquire the mineral interests on four parcels of land within the tentative boundaries of the refuge. These mineral interests would be acquired from willing sellers. The Departments of Energy and Interior agree that these four parcels represent the areas which include sand and gravel deposits of sufficient value that future mining is possible and which also include significant and unique ecological values that should be protected as part of the refuge.

This amendment also resolves the potential claims for natural resource damages that might arise in the future as a result of releases of hazardous substances that have already been identified in the lengthy administrative record of the Rocky Flats cleanup. The State of Colorado trustees with responsibility to pursue such claims, the Colorado attorney general, the director of the Colorado Department of Natural Resources, and the director of the Colorado Department of Public Health and the Environment, all agree that the expenditure of $10 million to acquire these mineral interests is fair compensation for the waiver of potential Natural Resource Damage claims. The release of hazardous materials not previously identified would not be waived by this amendment, and the Department of Energy would remain liable for such releases, if any.

As our brave men and women in uniform continue to perform so admirably in tremendously difficult conditions, and as their families continue to make their own sacrifices, it is vitally important that the Senate has finally acted on this bill. I am committed to continuing to work with my colleagues on both sides of the aisle to give our troops the support that they deserve.

Mr. FEINGOLD. Mr. President, I am pleased that the Senate was finally able to debate and pass the Defense authorization bill. It was inexcusable that this bill that is so critical to our men and women in uniform was allowed to languish for over half a year. Vital defense policies are set every year in the authorization bill, including policies with a direct impact on military families such as pay and benefits. I am very pleased that we were able to include a 3.1 percent pay raise for all of our men and women in uniform and am proud of the Senate's strong bipartisan efforts to make TRICARE available for the Guard and Reserve. I was pleased to support these efforts and the successful efforts to eliminate the SBP–DIC offset and reduce the retirement age for those in the Reserve component.

One of the key policy debates that took place during the Senate's consideration of this bill involved our Nation's Iraq policy. For months, I have been calling on the President to provide a flexible, public timetable for completing our mission in Iraq and for withdrawing our troops once that mission is complete. I am not calling for a rigid timetable I mean one that is tied to clear and achievable benchmarks, with estimated dates for meeting those benchmarks. I worked with some of my distinguished Democratic colleagues in the Senate to draft an amendment that demanded just that, and I am pleased that 40 Members of the Senate agreed that we need a flexible timetable for achieving our military mission in Iraq and withdrawing our troops. They recognize what increasing numbers of military leaders and experts are saying, that having such a timeline will help us defeat the insurgency.

Our servicemembers deserve to know what their military mission is and when they can expect to achieve it. And the American people deserve to know that we have a plan, tied to clear benchmarks, for achieving our military goals and redeploying our troops out of Iraq so we can focus on our most pressing national security priority, defeating the global terrorists who threaten this country. I will keep fighting for a timeframe for our military mission and I am heartened by the fact that an increasing number of my Senate colleagues agree with me, and with the American people, on the need for such a timeframe.

I am pleased that the Senate passed my amendment to enhance and strengthen the transition services that are provided to our military personnel by making a number of improvements to the existing transition and post-deployment/pre-discharge health assessment programs. My amendment will ensure that members of the National Guard and Reserve who have been on active duty continuously for at least 180 days are able to participate in transition programs and requires that additional information be included in these transition programs, such as details about employment and reemployment rights and a description of the health care and other benefits to which personnel may be entitled through the VA. The amendment also requires that demobilizing military personnel have access to follow-up care for physical or psychological conditions incurred as a result of their service. In addition, the amendment requires that assistance be provided to eligible military personnel to enroll in the VA health care system. I thank the chairman and the Ranking Member for their assistance on this important issue.

This bill also contains a provision I authored establishing the Civilian Linguist Reserve Corps, CLRC, pilot project. It became abundantly clear

after the attacks of September 11, 2001, that the U.S. Government had a dearth of critical language skills. The 9/11 Commission report documented the disastrous consequences of this deficiency that, unfortunately, we still have not made enough progress in addressing 4 years after the 9/11 tragedy.

CLRC is designed to address the Government's critical language shortfall by creating a pool of people with advanced language skills that the Federal Government could call on to assist when needed. The National Security Education Program completed a feasibility study of CLRC and concluded that the concept was sound and ''an important step in addressing both short- and long-term shortfalls related to language assets in the national security community.'' It also recommended that a 3-year pilot project be conducted to work out any potential problems. My amendment establishes this pilot project. I want to thank the managers of the bill for working with me to include this worthwhile measure and thank Senator COLEMAN for cosponsoring my amendment.

I also want to thank the bill managers for continuing to work with me in assisting the families of injured servicemembers. I was pleased that Congress included my amendment on travel benefits for the family of injured servicemembers in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief of 2005, P.L. 109–13. My amendment corrected a flaw in the law that unintentionally restricted the number of families of injured servicemembers that qualify for travel assistance. Too many families were being denied help in visiting their injured loved ones because the Army had not officially listed them as ''seriously injured,'' even though these men and women have been evacuated out of the combat zone to the United States for treatment. The change in the law now ensures that families of injured servicemembers evacuated to a U.S. hospital get at least one trip paid for so that these families can quickly reunite and begin recovering from the trauma they have experienced. I introduced my amendment to this bill because the family travel provision in P.L. 109–13 was sunset at the end of the 2005 fiscal year by the conferees. I thank the Senate for adopting my amendment that will make the provision permanent.

The Senate also adopted an amendment I authored requiring the Department of Defense to report on the steps it is taking to clearly communicate the stop-loss policy to potential enlistees and re-enlistees. One of my constituents, a sergeant in the Army, wrote to me earlier this year articulating his frustration with the Army's stop-loss policy. He had been scheduled to be released from service prior to his unit's deployment to Iraq but the stop-loss order kept him in uniform making him feel that his service was completely unappreciated. Part of this sergeant's frustration and the frustration experienced by others who have been put under stop-loss orders stems from the fact that many don't know that the military can keep them beyond their contractual date of separation. They may find out about this policy only shortly before they are deployed to a war zone, as was the case with my constituent. This situation is simply unacceptable.

The sergeant who shared his story with me was killed in Iraq only days after he wrote his letter. With thousands of soldiers still on stop-loss, I am certain that similar tragic stories have played out many times over the last few years. The very least we owe those who volunteer to serve our Nation is full disclosure of the terms under which they are volunteering. My amendment includes a finding that states exactly that. I hope that, by pushing the Department to report on the actions it is taken to ensure that potential recruits know the terms of their service, the Department will take quick action to do just that. One good place for it to start would be to revise DOD Form 4/1, Enlistment/Reenlistment Document, the service contract new enlistees and reenlistees must sign to join the military. Form 4/1 does not currently include information that tells those joining the active component that they may be kept on stop-loss during partial mobilizations. The Department must immediately fix this flaw and take other steps to clearly communicate to our men and women in uniform the terms under which they are volunteering to serve.

Congress has a crucial role in defense oversight and I am disappointed that the Senate has again failed to adopt Senator DORGAN's amendment that would have created a Truman Committee to oversee our efforts in Iraq. This measure was a commonsense way to assure that we carry out our policies in the most effect way possible and not, as now, waste millions if not billions of taxpayer dollars. After all, our shared goal is to get needed resources to our troops and rebuilding efforts not to profiteers.

One measure the Senate adopted that should assist in our oversight responsibilities is my amendment requiring DOD to report on how it will address deficiencies related to key military equipment. According to a recent GAO report, DOD has not done a good job in replacing equipment that is being rapidly worn out due to the military's high operational tempo or even tracking its equipment needs. Military readiness has suffered as a result. My amendment requires DOD to submit a report in conjunction with the President's annual budget request that details DOD's program strategies and funding plans to ensure that DOD's budget decisions address these equipment deficiencies. Specifically, the Department must detail its plans to sustain and modernize key equipment systems until they are retired or replaced, report the costs associated with the sustainment and modernization of key equipment, and identify these funds in the Future Years Defense Program. Finally, if the Department chooses to delay or not fully fund their plan, it must describe the risks involved and the steps it is taking to mitigate those risks.

Although I am voting for the Department of Defense authorization bill, I am disappointed with the mixed messages that the Senate continues to send to the administration and the country on issues related to the detainees held at Guantanamo Bay. Even as the Senate passed the important McCain amendment on torture, the Senate also included in this bill the Graham amendment, which even as modified would still eliminate habeas review for detainees at Guantanamo Bay. The modification worked out by Senators GRAHAM and LEVIN would provide detainees with only limited review in the DC Circuit of the procedures for determining whether they are enemy combatants and the procedures the military commissions used to try them. This is an improvement over the original amendment offered by Senator GRAHAM, but it would not allow a court to review any claim that an individual detainee is not, in fact, an enemy combatant. I was very disappointed that this became part of this bill, although I am pleased with the amendment's ban on the use of evidence obtained by undue coercion. It is troubling that after 4 years of congressional acquiescence to the administration on this issue, it took a Supreme Court decision allowing habeas review for the Senate to take action. It is good that the Senate is finally paying attention to this issue, but this amendment is the wrong result. It sends the wrong message about this country's commitment to basic fundamental fairness and the rule of law.

I must also note with some disappointment that this bill continues the wasteful trend of spending billions of dollars on Cold War era weapons systems while at the same time not fully funding the needs of the military personnel fighting our current wars. I think the Senate missed some opportunities when it rejected amendments that could have made the bill better. However, on balance this legislation contains many good provisions for our men and women in uniform and their families and that is why I support it.

Mr. KERRY. Mr. President, I want to speak in support of the important amendment on Iraq offered by my colleague Senator LEVIN. I am pleased to have worked with many of my Democratic colleagues on this amendment and to be an original cosponsor.

Mr. President, 2006 will be the pivotal year in determining whether we can successfully complete our mission in Iraq and bring our troops home in a reasonable amount of time. As we enter this make or break period, the

administration must finally adopt a realistic, clear, and comprehensive strategy.

This Democratic amendment lays out many of the principles that should guide that strategy, including using all of our diplomatic, military, political and economic leverage to defeat the insurgency, getting greater international support for the reconstruction effort, strengthening the capacity of Iraq's governing ministries, and training Iraqi security forces. And it requires the administration to regularly report back to Congress and the American public on the status of implementing the measures necessary to complete the mission.

As we know from painful experience, no President can sustain a war without the support of the American people. In the case of Iraq, their patience is frayed nearly to the breaking point because Americans who care deeply about their country will not tolerate our troops giving their lives without a clear strategy, and will not tolerate vague platitudes when real answers are needed.

The Democratic amendment addresses that by calling on the administration to give Congress and the American public a target schedule for achieving the conditions that will allow for the phased redeployment of U.S. troops, the status of efforts meet that schedule, and the estimated dates for such redeployment.

Let's be very clear on this point: the Democratic amendment does not call for setting any arbitrary deadlines for withdrawal of U.S. troops. It envisions redeployment of U.S. forces as conditions allow. But it rejects the administration's hollow, vague declaration to just ''stay as long as it takes'' by calling on the administration to give target dates and regular updates on reaching those conditions.

For far too long, Congress and the American public have been left in the dark when it comes to Iraq. We have repeatedly been asked by the administration to take their word that they have a strategy for success, without being given any sense of what that is or when our troops will be home. It is past time for Congress and the American people to be fully informed about what our strategy is, the progress that is being made in implementing it, and when we might expect to see our troops redeployed. That is what the Levin amendment will do.

While the Democratic amendment and the Republican amendment offered by Senators WARNER and FRIST are a wakeup call to the Bush administration that there is an overwhelming bipartisan majority with deep concerns about the administration's aimless course in Iraq, I will not support the Warner-Frist amendment because it stripped out two of the key provisions of the Democratic amendment. The first is the sense of the Senate that America should let the Iraqi people know that we will not stay in Iraq indefinitely, which will send an important message about our intentions while reducing the sense of U.S. occupation. The second is the requirement that the administration provide a report to Congress that includes estimated dates for the redeployment of U.S. troops as specific conditions are met, which is necessary to keep Congress and the American public informed about our progress towards the ultimate goal of finishing our mission and getting our troops home. These provisions are an essential part of a real strategy for success in Iraq. We owe our troops and the country nothing less.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is on the passage of the bill, as amended.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 326 Leg.]

YEAS—98

Akaka	Domenici	McCain
Allard	Dorgan	McConnell
Allen	Durbin	Mikulski
Baucus	Ensign	Murkowski
Bayh	Enzi	Murray
Bennett	Feingold	Nelson (FL)
Biden	Feinstein	Nelson (NE)
Bingaman	Frist	Obama
Bond	Graham	Pryor
Boxer	Grassley	Reed
Brownback	Gregg	Reid
Bunning	Hagel	Roberts
Burns	Harkin	Rockefeller
Burr	Hatch	Salazar
Byrd	Hutchison	Santorum
Cantwell	Inhofe	Sarbanes
Carper	Inouye	Schumer
Chafee	Isakson	Sessions
Chambliss	Jeffords	Shelby
Clinton	Johnson	Smith
Coburn	Kennedy	Snowe
Cochran	Kerry	Specter
Coleman	Kohl	Stabenow
Collins	Kyl	Stevens
Conrad	Landrieu	Sununu
Cornyn	Lautenberg	Talent
Craig	Leahy	Thomas
Crapo	Levin	Thune
Dayton	Lieberman	Vitter
DeMint	Lincoln	Voinovich
DeWine	Lott	Warner
Dodd	Lugar	Wyden
Dole	Martinez	

NOT VOTING—2

Alexander Corzine

The bill (S. 1042), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. WARNER. Mr. President, I move to reconsider.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that S. 1042, as amended, be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I now ask further unanimous consent that the Senate proceed immediately to the consideration en bloc of S. 1043 through S. 1045, Calendar Orders Nos. 103, 104, and 105; that all after the enacting clause of those bills be stricken, and the appropriate portions of S. 1042, as amended, be inserted in lieu thereof according to the schedule which I am sending to the desk; that these bills be advanced to third reading and passed; that the motions to reconsider en bloc be laid upon the table; and that the above actions occur without intervening action or debate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The bill (S. 1043) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The text of the bill will be printed in a future edition of the RECORD.)

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2006

The bill (S. 1044) to authorize appropriations for fiscal year 2006 for military construction, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The text of the bill will be printed in a future edition of the RECORD.)

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2006

The bill (S. 1045) to authorize appropriations for fiscal year 2006 for defense activities of the Department of Energy, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The text of the bill will be printed in a future edition of the RECORD.)

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. WARNER. Mr. President, with respect to H.R. 1815, the House-passed version of the National Defense Authorization Act for fiscal year 2006, I ask unanimous consent that the Committee on Armed Services be discharged from any further consideration of the bill; that the Senate proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 1042, as amended, be substituted in lieu thereof, and that the bill be advanced to third reading and passed; that the Senate insist on its amendment to the bill and request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees; that the motion to reconsider the above-mentioned votes be laid upon the table; and that the foregoing occur without intervening action or debate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The bill (H.R. 1815), as amended, was read the third time and passed.

Mr. WARNER. I ask unanimous consent with respect to S. 1042, S. 1043, S. 1044, and S. 1045, as just passed by the Senate, that if the Senate receives a message with respect to any of these bills from the House of Representatives, the Senate disagree with the House on its amendment or amendments to the Senate-passed bill and agree to or request a conference as appropriate with the House on the disagreeing votes of the two Houses; that the Chair be authorized to appoint conferees, and that the foregoing occur without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Now, Mr. President, the Chair was about to announce the conferees.

The PRESIDING OFFICER appointed Mr. WARNER, Mr. MCCAIN, Mr. INHOFE, Mr. ROBERTS, Mr. SESSIONS, Ms. COLLINS, Mr. ENSIGN, Mr. TALENT, Mr. CHAMBLISS, Mr. GRAHAM, Mrs. DOLE, Mr. CORNYN, Mr. THUNE, Mr. LEVIN, Mr. KENNEDY, Mr. BYRD, Mr. LIEBERMAN, Mr. REED, Mr. AKAKA, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. DAYTON, Mr. BAYH, and Mrs. CLINTON as conferees on the part of the Senate.

Mr. WARNER. Mr. President, time is short. We are about to go to our respective caucuses, but I say to my colleagues that I wish to express my profound appreciation first and foremost to my distinguished friend and colleague of 27 years; we have been together in this Chamber, working toward the passage of authorization bills in each and every one of those 27 years. I thank my friend.

I thank the distinguished members of our staff, and I do use the word ''distinguished'': Charlie Abell, who left the Department of Defense at our request to come over to be our chief of staff, replacing a very fine person, Judy Ansley, who went on up to the National Security Council, and our Democratic staff director, Rick DeBobes, who has been with us many years. Together they have led a dedicated professional staff, all of whom deserve credit and recognition in helping Members reach agreements and to prepare all types of information needed by the Members, and I may say to give good, sound advice. I have always encouraged that of our staff. They are not just to be there to be ''yessayers'' or naysayers. They are to give us their best advice, and that they do.

Accordingly, I ask unanimous consent that the names of both the majority and minority staff be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON ARMED SERVICES STAFF

Charles S. Abell, Staff Director; Richard D. DeBobes, Democratic Staff Director; June M. Borawski, Printing and Documents Clerk; Leah C. Brewer, Nominations and Hearings Clerk; William M. Caniano, Professional Staff Member; Jonathan D. Clark, Minority Counsel; Fletcher L. Cork, Receptionist; Christine E. Cowart, Administrative Assistant to the Minority; Daniel J. Cox, Jr., Professional Staff Member; Madelyn R. Creedon, Minority Counsel; Marie Fabrizio Dickinson, Chief Clerk; Regina A. Dubey, Professional Staff Member; Gabriella Eisen, Research Assistant; Evelyn N. Farkas, Professional Staff Member; Richard W. Fieldhouse, Professional Staff Member; Creighton Greene, Professional Staff Member; William C. Greenwalt, Professional Staff Member; Micah H. Harris, Staff Assistant; Bridget W. Higgins, Research Assistant; Ambrose R. Hock, Professional Staff Member; Gary. J. Howard, Systems Administrator; Gregory T. Kiley, Professional Staff Member; Jessica L. Kingston, Staff Assistant; Michael J. Kuiken, Professional Staff Member.

Gerald J. Leeling, Minority Counsel; Peter K. Levine, Minority Counsel; Sandra E. Luff, Professional Staff Member; Thomas L. MacKenzie, Professional Staff Member; Derek J. Maurer, Professional Staff Member; Michael J. McCord, Professional Staff Member; Elaine A. McCusker, Professional Staff Member; William G. P. Monahan, Minority Counsel; David M. Morriss, Counsel; Lucian L. Niemeyer, Professional Staff Member; Stanley R. O'Connor, Jr., Professional Staff Member; Cindy Pearson, Assistant Chief Clerk and Security Manager; Paula J. Philbin, Professional Staff Member; Benjamin L. Rubin, Staff Assistant; Lynn F. Rusten, Professional Staff Member; Catherine E. Sendak, Special Assistant; Arun A. Seraphin, Professional Staff Member; Jill L. Simodejka, Staff Assistant; Robert M. Soofer, Professional Staff Member; Scott W. Stucky, General Counsel; Kristine L. Svinicki, Professional Staff Member; Diana G. Tabler, Professional Staff Member; Richard F. Walsh, Counsel; Pendred K. Wilson, Staff Assistant.

Mr. WARNER. Mr. President, as we stand in this great Chamber, I marvel at the work conducted by the Armed Services Committee since the beginning of the 109th Congress. The committee has conducted 46 hearings and received numerous policy and operational briefings on the President's budget request for 2006 and related defense issues. Since the committee reported out this important legislation on May 12, the Senate has debated many important provisions contained in this legislation. Along the way, there have been many contentious issues to resolve, such as detainee policy, missile defense, BRAC, and many others.

After a total of 12 days of debate on the Senate floor, we have now resolved them. I am proud we have achieved our goal of passing this important bill. This marks the 46th year the Senate has passed a national defense authorization bill. I thank particularly my ranking member and my colleagues for their support.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we would not be at this point in our deliberations, we could not have arrived at this point on the road without our chairman, Senator John Warner, who is not only a person who is eminently fair—he is invariably that, fair—he is unflappable. Despite his passion for the men and women of the military, he is unflappable when it comes to getting things done in a very calm, deliberative, and bipartisan manner. I am proud to serve in this Senate for many reasons but not the least of them is being able to be a friend and colleague of John Warner of Virginia, truly a gentleman.

Our staff, as he has pointed out, has made it possible for us to be here as well. We function on a bipartisan basis. We obviously have disagreements at times. We are always able to work those out in an agreeable way or disagree in an agreeable way. We have been able to bring the bill to the floor again with the help of our bipartisan staff. We are glad Charlie Abell is back on our side of the Potomac again where he belongs. Dick DeBobes, as the chairman pointed out, leads our minority staff with distinction. I probably should not single out any other member of our staff, but I want to mention Peter Levine because of the unusual circumstance we found ourselves in where his particular expertise made it possible for us to resolve this issue relative to detainees. It is most needed and appreciated by all of us.

I think I can speak for both Senator WARNER and myself when I say that our staffs not only work together, as Senator WARNER has indicated, but make it possible for us to reach the point where we are.

I wanted to add my thanks, and now on to conference, which is always fun. We have had more bumps on the road this year than I can remember in any prior year for an authorization bill. We were on the floor, off the floor, on the floor, off the floor for various reasons which we don't need to recount. Hopefully, the road ahead of us will be smoother and we can come out of conference, I guess now would be early in the next year.

Mr. WARNER. Mr. President, we won't make any predictions. We will get started and do our best. I thank my good friend and look forward to working with him again next year. We have truly formed a unique partnership, the two of us together. I thank so many Senators who recognize that he and I have a trusting partnership and resolved a lot of problems that otherwise could prove contentious and maybe not had a resolution. So to the next year.

I must say, I have consulted with the Senator from Michigan. Both of us have great concern about the IED problem. We are going to have one more hearing, in all probability a closed hearing, on this subject, listening to some viewpoints in the private sector. We regularly meet with those in the Department of Defense who have the primary jurisdiction over this problem. This is one issue on which I am gravely concerned and over which I lose sleep at night, as I am sure all of us do, about the frightful weaponry the insurgents are employing and how best we can put the entire country to work to resolve this problem.

I thank my good friend.

Mr. LEVIN. Mr. President, if I may very briefly respond.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend our chairman for the initiative which he has shown on the IED issue. We had a hearing a few weeks ago on this issue which was one of the most fascinating and I think one of the most important hearings our committee has held, at least that I can remember, exclusively on the IED issue. It was under the chairman's leadership that we did this. I think it was a significant hearing.

This committee has been absolutely dedicated to doing everything we possibly can in addressing this threat. We have done everything we know how to do, but we still have not solved the problem. As the chairman mentioned, we are looking for additional technologies, additional ways in which this problem can be addressed.

I did want to mention that hearing because I thought it was unusually important.

Mr. WARNER. Mr. President, I thank my good friend; again, a partnership effort to achieve that.

UNANIMOUS CONSENT AGREEMENT—H.R. 2862

Mr. WARNER. Mr. President, on behalf of the distinguished majority leader, I ask unanimous consent that at 2:30 p.m. today, the Senate proceed to the consideration of the conference report to accompany H.R. 2862, the Science-State-Justice appropriations bill. I further ask that there be 75 minutes of debate, with 22½ minutes under the control of Senator SHELBY, 37½ minutes under the control of the Democratic leader or his designee, and 15 minutes under the control of Senator COBURN. I further ask that following the use or yielding back of time and at a time to be determined by the majority leader in consultation with the Democratic leader, the Senate proceed to a vote on the adoption of the conference report, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. WARNER. Mr. President, we will now go to the standing order.

The PRESIDING OFFICER. Under the previous order, following the vote on passage of S. 1042, the Senate stands in recess until 2:30 p.m.

Thereupon, the Senate, at 1:22 p.m., recessed until 2:29 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006—CONFERENCE REPORT

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report to accompany H.R. 2862, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate to the text, and agree to the same with an amendment, and the Senate agree to the same, that the Senate recede from its amendment to the title of the bill, signed by a majority of conferees on the part of both Houses.

(The conference report was printed in the House proceedings of November 7, 2005.)

Mr. SHELBY. Mr. President, I would like to begin by thanking Senator MIKULSKI, the distinguished ranking member of this subcommittee. The Senator from Maryland and I have worked in a bipartisan manner to produce the bill that is now before the Senate.

I thank Chairman WOLF and Congressman MOLLOHAN. They have worked with us to resolve some considerable differences in our two bills, and I commend them for their efforts.

Finally, I thank Chairman COCHRAN, the chairman of the full Appropriations Committee.

The bill before us today is the conference report for H.R. 2862, the Science, State, Justice and Commerce appropriations bill. Overall, this is a very good bill. Make no mistake, this was a lean year, a very lean year. The subcommittee's 302(b) allocation did not account for several sizeable programs which were proposed for termination in the administration's budget, which this subcommittee restored.

In the Senate, the subcommittee that I chair is called the Commerce, Justice, Science and Related Agencies, CJS, Appropriations Subcommittee. The Senate CJS Subcommittee no longer has jurisdiction over the operations budget of the State Department, which has been merged with the Foreign Operations Subcommittee. Under a previous arrangement, however, the State Department is being considered under the House framework, therefore the bill before the Senate is the Science, State, Justice and Commerce Appropriations conference report.

The bill that we are considering today provides a total of $61.8 billion in budget authority to agencies under the bill's jurisdiction, including the State Department. For those agencies under the Senate subcommittee's jurisdiction—the Departments of Commerce and Justice, NASA, NSF, and others—approximately $52.2 billion in budget authority is provided.

The bill includes an increase of just over $1 billion above the budget request for the Department of Justice. The bulk of this increase is due to the restoration of many of the proposed cuts to State and local law enforcement grant programs.

The bill provides $6.5 million for the Department of Commerce. Several programs within the Department of Commerce were proposed for termination in the President's fiscal year 2006 budget. This bill restores funding for these programs, among them the Economic Development Administration and the Public Telecommunications Facilities, Planning and Construction grants.

The bill provides increases for NASA to move forward with the vision the President has proposed, while fulfilling our commitments to important existing programs.

At a time when there are so many demands being made on scarce Federal dollars, difficult decisions had to be made. We have tried to address the priorities that so many of our colleagues brought to our attention. Though we were able to accommodate many of our colleagues' requests, we were obviously not able to do everything everyone has requested.

I believe that we endeavored to produce a bill that is bipartisan and that, we feel, serves the need of this country and we were successful.

I yield to Senator MIKULSKI, my esteemed ranking member, for her statement.

Ms. MIKULSKI. Mr. President, Senator SHELBY and I have worked on a bipartisan basis to bring this bill back to the floor as a conference report. We are in agreement with the principles of the bill so we are able to bring the bill forward. On our side, we estimate that we have three other speakers. We note the Senator from Minnesota is in the Chamber and he wishes to speak. There are two others whom we expect to speak.

This is a new subcommittee. The VA–HUD Subcommittee on Appropriations

was dismantled and farmed out to different subcommittees, so some parts came to the Commerce Committee and the Justice Committee, and now we call it the Science Committee. It has a fantastic jurisdiction. Its jurisdiction is focused on saving lives and saving livelihoods. It is about investing in innovation through science and technology for our country's future, and it is about looking out for our communities and justice system.

Despite a tough allocation, I believe this bill, as completed, is fair and we have done the best we could. The Commerce Department oversees many agencies, some of which are very important Federal labs such as NOAA and the National Institute of Standards. The Department of Justice is on the front line. It funds the FBI, DEA, the Bureau of Alcohol, Tobacco and Firearms, the U.S. Marshals Service, and the U.S. Attorneys.

These are not just agencies; these are men and women who every single day are trying to find those people who are often criminals in our country, those who have committed terrible acts of arson. In my own home State, they detected the sniper who held the capital region at bay a few years ago. It is our U.S. attorneys, America's DAs, who are prosecuting drug dealers, organized crime, and white-collar crime, and also chairing the task forces on homeland security.

The Justice Department tries to protect us from terrorists and protect our neighborhoods and our communities. It also provides grants to State and local law enforcement and helps fight gang violence. This year, this bill provides $21 billion to the Justice Department. That is $800 million more than last year. The Justice Department accounts for almost 50 percent of the entire cost of our bill. The FBI, with tremendous responsibility to fight both crime and to find terrorists, will receive $5.7 billion. This is a $500 million increase over last year. It will focus on things such as counterterrorism, in which we then try to use this as a domestic agency to fight terrorists.

We also remember we have other obligations, particularly for missing and exploited children. We are working very closely with the President of the United States and our Attorney General to make sure we have a hotline and a way to identify those sexual predators who have been released from prison who come back to our communities, and also to recover missing children and to prevent abduction and sexual exploitation, whether it is on the Internet or in our communities. They are doing a great job.

Also, they have been used to identify those children who were missing after Katrina. So we not only look for the kids on AMBER alert—as terrible and as chilling as that could be—but after the hurricanes hit we could not find a lot of our children. Moms and dads put their children on some of the last buses leaving Louisiana and now, thanks to the way we work, we have helped bring about family unification.

At the same time, we have a new menace sweeping our country and that is gangs. We have certainly seen an increase in my own home State. We are providing Federal funds for initiatives, particularly focused in Montgomery County and Prince George's County.

Our way of fighting gangs is going to follow a three-point strategy of suppression, intervention, and prevention. We believe this bill will work with law enforcement in our communities and community support groups to do that.

At the same time, we have substantial funding to deal with the methamphetamine scourge that is sweeping our country. Many of my colleagues have spoken about that.

While we are busy fighting criminals, though, we also have to protect the judges as we bring those criminals to justice. We are all aware of the great threat that often happens to our judges as they try to do their duty. So we have increased the funding for the Marshals Service to capture fugitives and protect judges in our Federal court system. Just this past week, the marshals captured a convicted murderer who escaped from a prison in Texas.

Where we had a tough fight was in State and local law enforcement. The President's budget cut that by $1.4 billion. Working on a bipartisan basis, we did increase that budget by $1.1 billion, but that left us $300 million down. I am sorry that had to happen. We did the best we could, and I know others will talk about it.

We put a great deal of effort into making sure we have a national effort that will be funded locally for the growing problem of methamphetamine—and, gosh, how it is affecting not only urban but rural communities is shocking—and also to fund counterterrorism and counterintelligence. These growing problems are facing us. We did the best we could.

I know some of our colleagues will ask: Senator MIKULSKI, how did it all work out with the methamphetamine in conference? When the bill left the Senate, it was pretty good.

I say to my colleagues on both sides of the aisle, we have provided a record amount of money, over $60 million, to fight meth abuse. Meth abuse is one of our biggest problems and we hope this is a significant downpayment in dealing with this problem.

While we are busy fighting crime, we also want to fight for America's future. We believe we need to focus more on innovation. A country that does not innovate stagnates. We are worried that we are losing ground in terms of our ability to innovate. We believe one of the ways to strengthen innovation is through our Federal laboratories. That is why this year we have funded an increase of $62 million at the National Institute of Standards and Technology, raising their appropriations to $761 million. The NIST partners, working with industry, develop new technologies and new breakthroughs that create jobs. At the same time it creates standards for new products coming to the marketplace so they can file patents, they can be exported, and they can meet the demands of the EU and the WTO.

In terms of our Federal labs, we want not only new ideas but also those ideas that protect America. So this year we have increased funding for NOAA, the National Oceanic and Atmospheric Administration. Everybody knows NOAA; they are known for their weather reports. We know them for their hurricane reports. We know them for their tsunami alerts. NOAA generally saves lives and saves livelihoods.

The weather service has given us important forecasts and warnings so we can secure our property and get people out of harm's way. Also, we made a particular note that the conference prohibits the consolidation or reducing of hours of those weather forecast offices. For us coastal Senators, it supports our fisheries which are critical to our economy.

While we are busy working on some of the new ideas, such as at NASA and the National Science Foundation, which I will talk about in a minute, I want to talk about the issue of intellectual property, as I have talked about NIST. In America, we often invent great ideas. We win the Nobel Prizes, but we have to win not only the Nobel Prizes, we have to win the markets. When we go out there to win those markets, we have to protect our intellectual property. It is as important as defending the homeland because it is our jobs, our future, and our source of revenue. All around the world, particularly in southeast Asia, they are trying to steal our ideas. Well, we are not going to allow it. We have to make sure we fight it in our trade agreements, we have to fight it in our trade enforcement, but we have to begin at home to make sure we have a patent office that protects this intellectual property. We have increased their funding 30 percent to reduce the backlog of over 500,000 patents.

Who knows what those patents are. It could be the next generation of pacemaker. It could be the next generation of hybrid for an automobile or for a truck. Most of all, it is going to be the next generation that hopefully keeps jobs, and jobs in manufacturing, in the United States of America.

So while we talk about labs, this is not some wonky legislation. We believe it is our ideas that are saving lives, saving property, and saving jobs.

We do know we need to be on the cutting edge of science. We believe that cutting edge comes from the National Science Foundation, which we have funded at $5.6 billion, $180 million more than last year. The National Science Foundation funds a lot. It funds our basic research in chemistry, biology, and in physics. We all know about the National Institutes of Health and salute them, but at the same time we

need to know it is the NSF that is doing the basic science and also breakthrough science such as in nanotechnology and in global warming. It also funds the post-doctorates and the graduate school stipends so our young people can go on to graduate school. That is that next generation.

Then, of course, near and dear to my heart is NASA. This year, we have provided $16.4 billion, $260 million over last year. I know many people are wondering what is going to happen to the Hubble. Is the Hubble going to run out of steam? Will the Hubble stop discovering all that wonderful new science?

Hang on. Hope and help is on the way. We have increased the funding for the Hubble budget to accommodate a servicing mission into space to rescue the Hubble. It will take new batteries. It will take new operating and optical equipment. What we do need, though, is to make sure the shuttle makes two more flights so it is safe for the astronauts to go up. We are helping our astronauts. We are providing full funding for the Space Shuttle, the space station, and the development of crew exploration vehicles. All science programs are funded at the President's request.

We also have funded the Census Bureau at $812 million, which allows the census to move forward with the 2010 census. The census is America's database, and we need to keep it contemporary.

What I have just given sounds like an accountant. I will submit a statement later on that will talk about what this means in terms of innovation. But today Senator SHELBY wanted to brief our colleagues on the numbers and on the money.

We think we have done a good job. What we have done is take our appropriations allocation, put 50 percent of our money into protecting America from terrorists, from crooks, from thugs, and from the exploiters of children. At the same time, we have used the other 50 percent to promote innovation in science and technology and also to protect our intellectual property. We think we have done a very good job.

I thank at this time my very good friend, Senator SHELBY. Senator SHELBY and I came to the House of Representatives together and served with the Energy and Commerce Committee. We came to the Senate at the same time. He is an excellent colleague to work with. We share the same priorities for this country. I want America to know that we do work together, and when we work together we always do better.

I thank staffs who really function with collegiality and with great civility. I thank the Shelby staff: Katherine Hennessey, Art Cameron, Joe Long, Christa Crawford, and Allan Cutler.

My own staff who worked so hard, I thank Paul Carliner, Gabrielle Batkin, Alexa Sewell, and Kate Fitzpatrick for all of the hard work they have done.

This is kind of a thumbnail sketch for our bill in the interest of time. There will be Senators who will be coming to speak on the bill.

I will yield 10 minutes to the Senator from Minnesota, Mr. DAYTON. Later on in the afternoon I will yield 5 minutes to the Senator from North Dakota, Mr. DORGAN; to Senator OBAMA, from Illinois, for 5 minutes; and 5 minutes to Senator SARBANES, my esteemed and cherished colleague from Maryland.

I now yield the floor to our excellent colleague from Minnesota, Senator DAYTON, who, himself, has been an enormous advocate for local law enforcement and has been a real strong voice for increasing funding for fighting the meth scourge. We are so sorry it is going to be his last year with us, the great guy that he is. We know he will do well. We certainly wish him well, and I look forward to hearing him this afternoon.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. I thank the distinguished ranking member, the Senator from Maryland, for her kind words. I commend her and the chairman of the committee, Senator SHELBY, for their outstanding work on this conference report. I know it was under very difficult circumstances.

There are many good features to the report, as the Senator has just described. Again, I thank her for her leadership and her tenacious fighting on behalf of these efforts, whether they were successful or whether they were not.

Tragically, however, the House and the administration largely prevailed in this conference report in cutting funding for the law enforcement programs to only 38 percent of the Senate's position. Senator CHAMBLISS from Georgia and I cosponsored a bipartisan amendment to the Senate bill that passed the Senate unanimously, which increased the Byrne grant funding from $900 million for fiscal 2006. Yet the House and administration, in the conference, slashed that appropriations to $416.4 million, which is a one-third reduction from fiscal year 2005.

Byrne grants fund local law enforcement to combat the most urgent public safety problems in their own communities. In my own State of Minnesota, Byrne grant programs have provided the critically important funds to fight the scourge of methamphetamine, which is an illegal drug crisis in many States, as the distinguished ranking member has outlined. She has been in the forefront in efforts to increase the Federal funding to fight this catastrophe that is afflicting our citizens, afflicting people of all ages—I am told by chiefs of police, those as young as 10, and senior citizens in their eighties, from all parts of Minnesota and from all walks of life and backgrounds. While the burdens on local police and sheriffs and other local law enforcement officials have been increasing, Byrne grants to Minnesota have decreased from over $8 million in 2000 to $7.5 million last year. This year's cut in this conference report will mean that Minnesota's share of Byrne grant funding will drop to less than $5 million next year, which is a 40-percent reduction from the year 2000.

In addition, the COPS grants in this report are cut from $606 million to $416 million, another one-third reduction, with zero dollars provided for the hiring of new law enforcement officers, which was the program's original goal. Byrne grants and COPS are the two most important sources of Federal funds to boost police and sheriff forces throughout our country, to increase the drug prevention programs or drug court interdictions. They are programs that keep our neighborhoods safer, our communities safer, and our rural counties safer.

Why do the administration and the House want to drastically cut Federal support from local law enforcement; to cut funds from the brave men and women who are on the frontlines against the forces of evil in our society, who are risking their lives day and night to defeat the evil predators who are destroying the lives of our citizens? Why? It is unconscionable, it is incomprehensible that the House and the administration are defunding local law enforcement.

Here we have an administration that preaches national security but will not fund it at home. It is an administration that preaches the war against terrorism but will not fund the war against drug-dealing and drug-pushing terrorists on our streets and in our schools. How mistaken, how shortsighted, how wrong-directed could anyone be?

Again, I thank the Senate's chairman and ranking member for doing their best against the administration, which would like to eliminate these programs because they were the good ideas of the previous administration and their allies in the House. Congress should be providing more money, not less, but more money to strengthen local law enforcement in their fight against organized crime, drug dealers, and other predators. For that reason, I regretfully cannot support this report.

The citizens of America deserve better law enforcement and more Federal support to make it possible—not the lower, the cut position of the House and administration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized for up to 5 minutes.

Mr. SARBANES. Mr. President, first, I commend both Senator SHELBY, the chairman of the subcommittee, and my colleague from Maryland, Senator MIKULSKI, the ranking member, for their hard work in bringing this conference report to the Senate this afternoon. I do want to express my regret that this report does not contain an important provision, to provide emergency housing vouchers to victims of the recent hurricanes.

On September 14 of this year, the Senate unanimously approved an amendment to this bill to provide $3.5 billion in emergency spending to be used to ensure that any person displaced as a result of the hurricanes could receive a housing voucher. These emergency housing vouchers would have enabled displaced families to find and afford safe, decent, and stable housing.

While FEMA and HUD are providing some housing assistance to evacuees, it is clear from news reports, as well as from people in the affected areas, that the promises of housing assistance from the Federal Government are falling far short of what is necessary. Just in the past week, there have been articles about the lack of stable housing for evacuees. The titles alone indicate the stress evacuees are under. For example:

Hurricane Evacuees Face Eviction Threats At Both Their Old Homes and New;
Displaced in Crisis of Affordable Housing;
FEMA Housing Slow In Arriving.

The administration's housing policy for the victims of the recent hurricanes is unclear and inadequate. HUD is only assisting people who were assisted by HUD previously in the disaster areas, while FEMA has the responsibility for the vast majority of the evacuees. FEMA, an emergency management agency which is overwhelmed in the face of this unprecedented disaster, is now being tasked with the job of housing hundreds of thousands of people. This is not a job for FEMA. FEMA has provided people with 3-months' worth of rental assistance. However, it is clear that not all evacuees have received this assistance. Second, it is also not clear how evacuees and the landlords renting to them can be guaranteed that rental assistance will continue. Indeed, some Katrina victims are being threatened with eviction. FEMA seems to be handling the continuation of rental assistance on a case-by-case basis, with no clear rules or principles guiding these critical decisions.

In the words of an editorial in yesterday's New York Times:

The woefully inadequate program for housing put forward by the administration is tantamount to stonewalling the Katrina victims.

The emergency housing voucher proposal, which was adopted by the Senate, was, regrettably, not included in the conference report now under consideration. The Senate conferees met implacable resistance, apparently, from the House conferees and from the administration, as I understand it. But the emergency housing voucher proposal which this body adopted would have ensured that every evacuee in need would receive at least 6 months of rental assistance with an additional 6 months of assistance available if necessary. The assistance would have been distributed by HUD and the existing housing network, which houses millions of people around the Nation. There is extensive experience at HUD.

I am disappointed, very disappointed that this critical assistance is not included, and I hope that we can find some other way to provide the needed housing assistance to hurricane victims.

Again, I commend my colleagues, Senators SHELBY and MIKULSKI, for their successful completion of this report. I again underscore that this emergency housing voucher provision was included in the bill which passed the Senate under the leadership of Chairman SHELBY and Ranking Member MIKULSKI. I regret that they met this resistance in conference and were not able to include it in the final version. It is the evacuees of the hurricanes who, unfortunately, will pay the price.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Maryland.

Ms. MIKULSKI. Before the senior Senator returns to the Banking Committee, I want him to know that I, too, regret that we could not do the housing vouchers, the small business administration loans, as well as the economic development assistance Katrina amendments. These would have really helped rebuild communities and rebuild lives. But the House was so resistant we could not. We were defeated on a voice vote.

Mr. SARBANES. I thank the ranking member for that observation. I simply point out, as further stories are heard about the inability to get people back up on their feet and address their needs, it should be remembered that there were provisions in the Senate-passed bill which, if included in this conference report and therefore enacted into law, would have provided very important measures of assistance in a very timely fashion. I, too, regret very much that has not taken place.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have addressed this Chamber several times on the subject of global warming. Many times, over and over in the past few years in those speeches I have presented well-documented facts regarding the science and economics of the global warming issue that, sadly, many of my colleagues in the public heard for the first time.

Today, I will discuss something else—scientific integrity and how to improve it. Specifically, I will discuss the systematic and documented abuse of the scientific process by an international body that claims it provides the most complete and objective scientific assessment in the world on the subject of climate change—the United Nations-sponsored Intergovernmental Panel on Climate Change, or IPCC. I will conclude with a series of recommendations as to the minimum changes the IPCC must make if it is to restore its credibility.

When I became chairman of the Senate Committee on Environment and Public Works, one of my top three priorities was to improve the quality of environmental science used in public policymaking by taking the politics out of science. I have convened hearings on this subject and the specific issue of global warming science.

I am a U.S. Senator and a former mayor and businessman. I am not a scientist. But I do understand politics. And the more I have delved into the issue, the more convinced I have become that science is being co-opted by those who care more about peddling fear of gloom and doom to further their own, broader agendas than they do about scientific integrity.

I am committed to shining a light on their activities. Global warming alarmists will undoubtedly continue to accuse me of attacking the science of global warming—that is part of their game. But nothing could be further from the truth. I support and defend credible, objective science by exposing the corrupting influences that would subvert it for political purposes. Good policy must be based on good science, and that requires science be free of bias, whatever its conclusions might be.

As nations meet again next month in Montreal to discuss global warming, the pronouncements of the IPCC leaders will gain renewed attention as they continue their efforts to craft a fourth assessment of the state of global warming science. If the fourth assessment is to have any credibility, fundamental changes will need to be made.

The flaws in the IPCC process began to manifest themselves in the first assessment, but did so in earnest when the IPCC issued its second assessment report in 1996. The most obvious was the altering of the document on the central question of whether man is causing global warming.

Here is what Chapter 8—the key chapter in the report—stated on this central question in the final version accepted by reviewing scientists:

No study to date has positively attributed all or part [of the climate change observed to date] to anthropogenic causes.

But when the final version was published, this and similar phrases in 15 sections of the chapter were deleted or modified. Nearly all the changes removed hints of scientific doubts regarding the claim that human activities are having a major impact on global warming.

It removes these doubts that were specific in the study.

In the Summary for Policymakers—which is the only part of the report that reporters and policymakers read—a single phrase was inserted. It reads:

The balance of evidence suggests that there is a discernible human influence on global climate.

The lead author for chapter 8, Dr. Ben Santer, should not be held solely accountable. According to the journal Nature, the changes to the report were made in the midst of high-level pressure from the Clinton/Gore State Department to do so. I understand that

after the State Department sent a letter to Sir John Houghton, co-chairman of the IPCC, Houghton prevailed upon Santer to make the changes. The impact was explosive, with media across the world, including heavyweights such as Peter Jennings, declaring this as proof that man is responsible for global warming.

Notably, polls taken shortly afterwards showed scant support for the statement. The word ''discernible'' implies measurable or detectable, and depending on how the question was asked, only 3–19 percent of American scientists concurred. That is the very best scenario—less than 20 percent.

In 2001, the third assessment report was published. Compared with the flaws in the third assessment, those in the second assessment appear modest. The most famous is the graph produced by Dr. Michael Mann and others. Their study concluded that the 20th century was the warmest on record in the last 1,000 years, showing flat temperatures until 1900 and then spiking upward—in short, it looked like a hockey stick. It achieved instant fame as proof of man's causation of global warming because it was featured prominently in the summary report read by the media.

Let us take a look at this chart. This is the blade of the hockey stick, and this is what Michael Mann tried to show. Since then, the hockey stick has been shown to be a relic of bad math and impermissible practices.

This chart starts the year 1000, 1200, and so forth. If they had included the three centuries prior to that, that was the time called the medieval warming period. In the medieval warming period, you would find another blade such as this where temperatures were actually higher than they are in this exhibit.

Since then, the hockey stick has been shown to be a relic of bad math and impermissible practices. Dr. Hans von Storch, a prominent German researcher with the GKSS Institute for Coastal Research—who, I am told, believes in global warming—put it this way:

> Methodologically it is wrong: Rubbish.

In fact, a pair of Canadian researchers showed that when random data is fed into Michael Mann's mathematical construct, it produces a hockey stick more than 99 percent of the time, regardless of what you put into it. Yet the IPCC immortalized the hockey stick as the proof positive of catastrophic global warming.

How can such a thing occur? Sadly, it is due to the institutional structure of the IPCC itself—it breeds manipulation.

First, the IPCC is a political institution. Its charter is to support the efforts of the U.N. Framework Convention on Climate Change, which has the basic mission of eliminating the threat of global warming. This clearly creates a conflict of interest with the standard scientific goal of assessing scientific data in an objective manner.

The IPCC process itself illustrates the problem. The Summary Report for Policymakers is not approved by the scientists and economists who contribute to the report.

In other words, the Summary Report for Policymakers is the one for policymakers and for the press. That is how people pick up their impressions as to what was in the report. However, the scientists and the economists who contributed to the report never did approve the Summary Report for Policymakers. It is approved by intergovernmental delegates—in short, politicians. It doesn't take a leap of imagination to realize that politicians will insist the report support their agenda.

A typical complaint of scientists and economists is that the summary does not adequately reflect the uncertainties associated with tentative conclusions in the basic report. The uncertainties I identified by contributing authors and reviewers seem to disappear or are downplayed in the summary.

A corollary of this is that lead authors and the chair of the IPCC control too much of the process. The old adage ''power corrupts and absolute power corrupts absolutely'' applies here. Only a handful of individuals were involved in changing the entire tone of the second assessment. Likewise, Michael Mann was a chapter lead author in the third assessment.

One stark example of how the process has been corrupted involves a U.S. Government scientist who is among the world's most respected experts on hurricanes—Dr. Christopher Landsea. Earlier this year, Dr. Landsea resigned as a contributing author in the upcoming fourth assessment. His reason was simple—the lead author for the chapter on extreme weather, Dr. Kevin Trenberth, had demonstrated he would pursue a political agenda linking global warming to more severe hurricanes.

Trenberth had spoken at a forum where he was introduced as a lead author and proceeded to forcefully make the link. He has spoken here in the Senate as well, and it is clear that Trenberth's mind is completely closed on the issue. The only problem is that Trenberth's views are not widely accepted among the scientific community. As Landsea put it last winter:

> All previous and current research in the area of hurricane variability has shown no reliable, long-term trend up in the frequency or intensity of tropical cyclones, either in the Atlantic or any other basin.

When Landsea brought it to the attention of the IPCC, he was told that Trenberth—who as lead author is supposed to bring a neutral, unbiased perspective to his position—would keep his position. Landsea concluded that:

> Because of Dr. Trenberth's pronouncements, the IPCC process on our assessment of these crucial extreme events in our climate system has been subverted and compromised, its neutrality lost.

Landsea's experience is not unique. Richard Lindzen, a prominent MIT researcher who was a contributing author to a chapter in the third assessment, among others has said that the Summary did not reflect the chapter he contributed to. But when you examine how the IPCC is structured, is it really so surprising?

Second, the IPCC has demonstrated an unreasoning resistance to accepting constructive critiques of its scientific and economic methods, even in the report itself. Of course, combined with my first point, this is a recipe for delegitimizing the entire endeavor in terms of providing credible information that is useful to policymakers.

Let me offer a few examples of what I am talking about.

Malaria is considered one of the four greatest risks associated with global warming. But the relationship between climate and mosquito populations is highly complex. There are over 3,500 species of mosquito, and all breed, feed, and behave differently. Yet the nine lead authors of the health section in the second assessment had published only six research papers on vector-borne diseases among them.

Dr. Paul Reiter of the Pasteur Institute, a respected entomologist who has spent decades studying mosquito-borne malaria, believes that global warming would have little impact on the spread of malaria. But the IPCC refused to consider his views in its third assessment, and has completely excluded him from contributing to the fourth assessment.

Here is another example: To predict future global warming, the IPCC estimated how much world economies would grow over the next century. They had to somehow tie this into the economic activity. Future increases in carbon dioxide emission estimates are directly tied to growth rates, which in turn drive the global warming predictions.

Unfortunately, the method the IPCC uses to calculate growth rates is wrong. It also contains assumptions that developing nations will experience explosive growth—in some cases, becoming wealthier than the United States. These combine to greatly inflate even its lower-end estimates of future global warming.

The IPCC, however, has bowed to political pressure from the developing countries that refuse to acknowledge the likelihood they will not catch up to the developed world. The result: Future global warming predictions by the IPCC are based on a political choice, not on credible economic methodologies.

Likewise, the IPCC ignored the advice of economists who conclude that, if global warming is real, future generations would have a higher quality of life if societies maximize economic growth and adapt to future warming rather than trying to drastically curb emissions. The IPCC turns a deaf ear.

This problem with the economics led to a full-scale inquiry by the UK's House of Lords' Select Committee on Economic Affairs. The ensuing report

should be required reading. The committee identified numerous problems with the IPCC.

In fact, the problems identified were so substantial, it led Lord Nigel Lawson, former Chancellor of the Exchequer and a member of the committee, to recently state—in fact, he was here and testified before the committee I chair here in the Senate—Lord Lawson said:

> I believe the IPCC process is so flawed, and the institution, it has to be said, so closed to reason, that it would be far better to thank it for the work it has done, close it down, and transfer all future international collaboration on the issue of climate change. . . .

To regain its credibility, the IPCC must correct its deficiencies in all of the following areas before it releases its fourth assessment report. Structurally, there are four ways we suggest changes be made.

The first is to adopt procedures by which scientific reviewers formally approve both the chapters and the Summary Report for Policymakers. Government delegates should not be part of the approval process.

The second thing is to limit the authority of lead authors and the Chair to introduce changes after approval by the reviewers.

The third is to create an ombudsman for each chapter. These ombudsmen should consult with reviewers who believe valid issues are not being addressed and disseminate a report for reviewers prior to final approval which is made part of the final document.

Fourth is to institute procedures to ensure that an adequate cross-section of qualified scientists wishing to participate in the process is selected based on unbiased criteria. The ombudsmen should review complaints of bias in the selection process.

That is structurally what the IPCC should do.

Now, there are many specific issues that the IPCC must address as well. For instance, the IPCC must ensure that uncertainties in the state of knowledge are clearly expressed in the Summary for Policymakers. When you read the Summary for Policymakers, which is not approved by the scientists and the economists, it does not say anything about the fact that there are doubts in these areas. That should be a part of it.

The IPCC must provide highly defensible ranges of the costs of controlling greenhouse gas emissions. They have to talk about how this is going to be done.

They must defensibly assess the effects of land-use changes in causing observed temperature increases. In other words, there are a lot of things we hear about, we are aware of; that is, the heat island effect that takes place in a lot of the major cities, the various agricultural changes where trees are cut down and crops are planted. These need to be considered.

Fourth is to provide highly defensible ranges of the benefits of global warming. If we know the cost that is going to be incurred, as we learned in the Wharton econometric survey—that for each family of four in America, it would cost them about $1,715 a year in the cost of electricity, the cost of fuel; everything just about doubling—then people need to know what kinds of benefits the global warming will produce.

The fifth thing is to examine the costs and benefits of an adaptive strategy versus a mitigation strategy.

Sixth is to adequately examine studies finding a cooling trend of the Continental Antarctic for the last 40 years, as well as increases in the Antarctic ice mass.

Seventh is to adequately explain why the models predict greater warming than has been observed, avoiding the use of selective data sets.

Eighth is to ensure an unbiased assessment of the literature on hurricanes.

Ninth is to ensure adequate review of malaria predictions by a range of specialists in the field, ensuring all views are expressed.

Going back to No. 8, I am reminded every time something happens—it can be a hurricane or a tornado—there is always somebody standing up and saying: Aha, it is due to global warming. It is a level of desperation that I cannot believe people are becoming subjected to.

There are dozens more issues, most of which are as important as the ones I have just raised. Instead of trying to list them all here, I intend to post on my committee's Web site this winter a more exhaustive and detailed list of issues that must be addressed in the fourth assessment.

In conclusion, I quote from an article in Der Speigel by Dr. von Storch and Dr. Nico Stehr, who is with Zeppelin University. They wrote:

> Other scientists are succumbing to a form of fanaticism almost reminiscent of the McCarthy era. . . . Silencing dissent and uncertainty for the benefit of a politically worthy cause reduces credibility, because the public is more well-informed than generally assumed. In the long term, the supposedly useful dramatizations achieve exactly the opposite of what they are intended to achieve. If this happens, both science and society will have missed an opportunity.

It is my solemn hope that the IPCC will listen to the words of Dr. von Storch and Dr. Stehr and not miss the opportunity to reestablish its credibility, which I believe is totally lost at this time. Only then will its work product be useful to policymakers. If the IPCC remains committed to its current path, however, then Lord Lawson's solution is the only viable one—the IPCC should be disbanded.

Mr. President, I ask unanimous consent that my remarks not be charged against the time on the CJS appropriations conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, as my colleagues know, we continue to discuss the Commerce-Justice-Science appropriations conference report. We note that our colleague from Illinois wishes to speak, and I yield to Senator OBAMA 5 minutes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. OBAMA. Mr. President, I thank Senator MIKULSKI.

Mr. President, I know I speak for all Members of the Senate when I say we wholeheartedly support our Nation's law enforcement officers and we want to do every single thing possible to assist their efforts to keep our communities safe. Unfortunately, the Commerce-Justice-Science conference report before this body today does not send this message. In fact, it sends the exact opposite message.

The conference report provides important funding for programs such as the Office on Violence Against Women, the National Science Foundation, and important juvenile justice programs. But I am very troubled by the drastic cuts it makes to an important law enforcement program, the Byrne Justice Assistance Grant Program.

This bill further eviscerates a program that has suffered significant cuts in the last few years, despite providing real results and benefits around the country. The conference report cuts the Byrne Program from the $900 million we passed in the Senate to $416 million, which is a 34-percent cut from the fiscal year 2005 funding level.

Now, in Illinois, these cuts will have an immediate and direct effect because law enforcement has been using Byrne grant funds to fight one of the gravest drug threats facing the Nation today—methamphetamines.

In downstate Illinois, as in other rural communities all across the country, there has been a tremendous surge in the manufacture, trafficking, and use of meth. Illinois State Police encountered 971 meth labs in Illinois in 2003, more than double the number uncovered in 2000.

According to the Illinois Criminal Justice Information Authority, the quantity of meth seized by the Illinois State Police increased nearly tenfold between 1997 and 2003. This surge is placing enormous burdens on smalltown police forces, which are suddenly being confronted with a large drug trade and the ancillary crimes that accompany that trade.

These police departments rely on Byrne grant funding to participate in meth task forces, such as the Metropolitan Enforcement Group or the Southern Illinois Enforcement Group. These task forces allow police in different communities to combine forces

to battle a regional problem. There are a total of seven meth task force zones in Illinois, and these task forces have seen real results with Byrne grant funding.

In 2004, the Southern Illinois Enforcement Group accounted for more than 27 percent of the State's reported meth lab seizures. This group pays 5 of its 12 agents through Byrne grants.

In towns such as Granite City and Alton, cuts in Byrne grant funding will force them to make difficult choices about how to allocate already scarce police resources. Indeed, the chief of police in Granite City told my staff yesterday that cuts in Byrne grant funding will threaten the viability of his meth task force. At a time when meth use is growing, it is inconceivable to me that we would be cutting the resources needed by law enforcement to fight crime and clean up the streets.

This is yet another example of the misplaced priorities of our country. We all know that we are facing a real budget crisis. The deficit is growing, and we need to enforce some fiscal discipline. But I don't believe we should be balancing the budget on the backs of our Nation's law enforcement officers who keep our families and communities safe each and every day.

I am disappointed by this bill. I hope next year we will be able to find the necessary funding that local law enforcement needs. I would ask those who are on the conference and who are looking at this to recognize that it is going to have an impact not just in Illinois but in rural communities all across the country, particularly farming communities in the Midwest that have been devastated by the plague of meth. This has been primarily a program to help prevent it. It is being cut drastically in this bill. It is a bad decision and reflective of misplaced priorities by this Senate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. DURBIN. Since the war in Iraq began, 2,067 Americans have died; 15,568 have been wounded. Today, I joined my colleagues, Senators LEVIN, BIDEN, HARRY REID, and others, in offering an amendment to honor their sacrifice and service and to seek a new course in Iraq in the coming year. I was proud to cosponsor the Levin amendment. I thought it made three critical policy statements about Iraq.

First, the amendment demanded that the administration provide Congress and the American people with a plan for success and a timetable with estimated dates for the phased redeployment of American forces. Second, the amendment makes it clear that 2006 will not be just another year on the calendar when it comes to the war in Iraq. The next year represents a critical transition period for Iraq, when a newly elected government, as of this December, will take office and must assume the authority and responsibility that comes with sovereignty. This is the year when Iraqi forces must help create the conditions that will finally lead to the phased redeployment of U.S. troops.

The Levin amendment also stated that the administration had to make it crystal clear to the Iraqi people that we were not in Iraq indefinitely. We are neither permanent occupiers nor are we a permanent police force for the Iraqi people. That is a job for Iraq, not for the United States. Building a broad-based and sustainable political settlement is also essential for defeating the insurgency and it, too, is an Iraqi responsibility, not an American responsibility.

President Bush has said over and over again, as the Iraqis stand up, we will stand down. The amendment we offered asked the basic question, When are they going to have capable forces so that American troops can stand down? How many are standing now? How well is the Iraqi Government doing in defending and caring for its people and training its own military and security forces?

This isn't the first time we have asked these questions. Over 40 of us have asked the President over and over again for a report on this war. Sadly, we are still waiting for an answer, unless you count the reply we received from someone at a lower level in the White House stating that he had received the letter and would send it to the appropriate person to take a look at. That was over a month ago. That is not the answer that Senators were looking for. It is certainly not the answer the American people were looking for. The amendment required answers in an unclassified report because we want the American people to know what is going on in Iraq—the challenges, the progress, and, frankly, if there are contingencies we had not anticipated, let us know that.

What we were seeking to do with this amendment was finally to establish that 2006 will not be just another year. I am hoping that no Senator will stand on the floor a year from now and recount that we have lost hundreds more of our best and bravest in Iraq, thousands more injured, wondering if there is any end in sight.

The amendment made it clear as well that we were holding Iraqis responsible. It is their country. It is their future. They need to take control of their own fate and future with their own security force and a political arrangement that works.

Third, we want accountability from this President. It is not good enough for the President to make speeches about staying the course when the course has led to so many lives being lost, so many dollars being spent. Senators WARNER and FRIST saw our amendment when it was offered. It is interesting because I think what they did is probably a very positive thing. They took the amendment, which we had prepared, and basically made changes on its face. If you take a look at this amendment, this is what we offered. Senators WARNER and FRIST scratched out the names of all the Democratic sponsors and put their own names on there on the Republican side. Then they went through, without even retyping, and made handwritten changes on the Democratic amendment. Some of the changes are innocuous, but some are not.

One of the changes is significant. We made it clear, in language the Iraqis and the American people could understand, what the future course will be. Let me read what Democratic language said:

> The United States military forces should not stay in Iraq indefinitely and the people of Iraq should be so advised.

Simple and declarative. The Republican change: They struck the word ''indefinitely.'' Now it reads:

> The United States military forces should not stay in Iraq any longer than required and the people of Iraq should be so advised.

That is quite a difference. Our sentence was clear and more decisive. Theirs is ambiguous, leaving open the possibility of American permanent military bases in Iraq, something I hope does not occur. But the most important thing that they did was to delete the last paragraph of this amendment. In the last paragraph, we have asked for President Bush, every 3 months, to report to the American people on scheduled changes in Iraq: How many soldiers were to be trained to replace American soldiers; how many policemen were to be prepared to provide for the defense of and order in their country; what progress is being made when it comes to basic human services, whether it is electricity, water, employment, the guideposts that we use to determine whether we are establishing a civil society, a stable society.

The Republicans accepted most of those, but they did not accept what I consider to be one of the key paragraphs of the Democratic amendment. That said: We expect a report from the President of a campaign plan with estimated dates for the phased redeployment of the United States Armed Forces from Iraq as each condition is met, with the understanding that unexpected contingencies may occur.

That was critical because it says to the President and to the administration: Let us start talking now about bringing our soldiers home. We are not setting a date to cut and run, which the critics said, but we are saying to the President: We have to take seriously the 161,000 Americans risking

their lives every single day, and many—sadly, too many—losing their lives and being injured in the process.

It is interesting to me that this morning's news tells us that the Iraqis are now saying to the British: You can start thinking about going home now. That is great. I am glad they can. I am glad that they will return to the safety of their families and their homes. Shouldn't that same conversation be taking place about American troops, and shouldn't the President be telling us that we are going to move forward in a phased, orderly redeployment of our troops back home, as the Iraqis take over responsibility of their own country?

That is what the Democrats offered. That is what the Republicans refused. The vote came down. There were about 40 who voted for the Democratic amendment. Then there was a following vote. That vote is significant. It was a vote on the Warner-Frist amendment, an amendment which was offered to the Defense authorization bill. It is true that it was an amendment which was a cut-and-paste job on the original Democratic amendment. I have in my hand the original amendment and the changes that were made. It didn't go as far as I would like to have gone. It didn't say American troops will not stay in Iraq indefinitely. It didn't talk about the phased redeployment of American forces. But it did say several important things that were included in the original Democratic amendment.

It did say 2006 is a year of significant transition. It did serve notice on the Iraqis that they have to accept responsibility for their own fate and future. And significantly, this Republican amendment called on their President in the White House to report to the American people, on a quarterly basis, as to the progress being made in Iraq so we can monitor whether the President truly has a plan that can lead to success.

That is significant, maybe historic. The President's own party overwhelmingly voted today for this amendment, an amendment which started on the Democratic side but became bipartisan in the end, an amendment which calls on this administration to be held more accountable in terms of this war in Iraq.

Now, the President did something on Veterans Day which is unusual. The President used Veterans Day, of all days, to make a political speech. He criticized the Democrats who were not agreeing with his war policy, on Veterans Day. I can tell you that I was back in my home State of Illinois visiting communities with Veterans Day celebrations in Carlysle, in Flora, and in Paris, IL. It didn't even cross my mind to make a partisan speech. You don't do that on Veterans Day, for goodness' sake. We don't ask our soldiers their political affiliation. We don't designate on their tombstones what political party they belonged to. Soldiers and veterans serve their country regardless of political affiliation.

But the President used Veterans Day to raise a political issue, and then flew to Alaska yesterday and repeated it, saying that his critics are somehow undermining the morale of the troops and showing they don't appreciate the contributions of the troops. Nothing could be further from the truth. Whether you are Democrat or Republican, whether you voted for the war or against it, as I did—I have given this President every single penny he has asked for for our troops. I have always thought in the back of my mind if it were my son or my daughter in uniform, I would want them to have everything they needed to be safe, to come home with their mission truly accomplished. So for the President to suggest that anyone who questions his foreign policy is not respectful of our troops is just plain wrong.

It is up to us as policymakers to make critical decisions about the policy of this country. But we have learned through bitter experience that even if you disagree with the policy of this country, for goodness' sake don't take it out on the troops and, I might say the flip side of that, don't use the troops as a shield so that you don't have to defend your own public policies. This administration has to stand up to defend those policies for what they are.

So this amendment, with some changes, passed. And what does it say? Well, the purpose of the amendment as it passed says to clarify and recommend changes to the policy of the United States on Iraq. It is significant. For those who said stay the course, make no changes, they lost today. For those who wanted change on both sides of the aisle, we prevailed. I think that is important. I think the national dialog is going to change because of this vote. I sincerely hope it is a good-faith effort. I hope it doesn't go into a conference committee and disappear. I hope it is part of the Defense authorization bill ultimately signed by the President.

There is another thing that concerns me as we get into this whole debate, and that is this question about intelligence. You may recall that when we decided to invade Iraq it was not just the decision to invade that country but to change America's foreign policy. The Bush administration, for the first time in our history, said we can no longer afford a policy of defense. We can no longer say to the world, If you attack us, we will attack you back tenfold. We have to be preemptive, have a policy of preemption.

What is the difference? The difference is the President believes we should be prepared to attack countries even before they attack or threaten us. Well, that is a new course in American foreign policy and one which is dangerous. It is dangerous if the information you are receiving about potential threats and potential enemies is wrong. And what happened when it came to the invasion of Iraq? Virtually all of the intelligence was wrong.

It is true we knew Saddam Hussein was a dictator and a butcher and a tyrant, that he had precipitated a war against Iran that went on for years, claiming thousands of lives. We knew that he invaded Kuwait. All of that was part of history. But before the invasion of Iraq we were told by this administration that based on the intelligence that they gathered, there were other compelling reasons for us not to wait for the United Nations, not to wait for other allies, not to wait and exhaust all possibilities but to move decisively and invade.

What were those reasons? Weapons of mass destruction, which we later learned didn't exist; the possibility that Iraq was becoming a nuclear power, as Secretary of State Condoleezza Rice said, mushroom clouds in the Middle East and around the world from Saddam Hussein's nuclear weapons; the aluminum tube controversy, evidence that they imported aluminum tubes which the administration said was proof positive that they were reinstituting, reconstituting their nuclear weapons program; connections with Saddam Hussein and al-Qaida, Osama bin Laden. It was argued that 9/11 and Iraq were the same story.

All of these were given to us together with the assertion that somehow the Iraqis were importing this yellow cake from Niger in Africa to make nuclear weapons. We were told all these things to reach a high level of intensity and anxiety to lead to an invasion of Iraq. We found after the invasion virtually every single statement was false, was not true.

We analyzed what the intelligence agencies did in the first phase of our investigation and found utter failure. The agencies we most counted on to tell us of threats against America and how we could defend against them completely dropped the ball. I was part of the Senate Intelligence Committee at the time, and I listened as our staff people went over and reported to us about what they found at these intelligence agencies.

In the ordinary course of events, before you invade a country there is a very careful analysis of intelligence data. You just don't start a war without looking at every possibility and understanding information that has been collected.

Well, that National Intelligence Estimate was not even prepared when the administration started talking about the invasion of Iraq. It was ordered, prepared in a manner of 2 or 3 weeks, just a fraction of the time usually required, and when we finally saw it in the Senate Intelligence Committee, it was embarrassing. It was a report given to us which really didn't carefully evaluate the intelligence data that had been collected, and it is one of the reasons we made this colossal error in judgment when it came to evaluating intelligence.

That was the Senate Intelligence Committee investigation. The President has been saying repeatedly that

those who are critical of his decision to invade Iraq today had the same intelligence he had, and so if he made a mistake, they made a mistake, too. I disagree. The President of the United States receives what is known as the daily briefing. Each day he sits down with intelligence officials, including the head of the CIA and others at the highest level, for a briefing about intelligence gathered around the world and what the threat is to America on that given day. He has more information than anyone, as he should, as President, as Commander in Chief. By the time you come to Congress, that information has been filtered and chopped and divided and diced and very little of it makes it to Congress. Most of it comes to the Intelligence Committees. Then it goes to the chairman, ranking member, and then down the chain less information is given to members of the Senate Intelligence Committee and even less to the regular rank-and-file Senators and Congressmen. That is just the food chain, if you will, on intelligence data.

So for the President to suggest that Members of Congress had the same information he did is just not factual. He is given much more information. He was before Iraq; he is every single day given more information. So if Members of the Senate relied on the President's representation, the President's statement, the Vice President's statement, and they were misled into it, it is because they believed the President and Vice President had more information about it than they did.

Now, I sat on the Senate Intelligence Committee shaking my head day in and day out listening as the members of the administration would debate issues like nuclear weapons. This is all unclassified now, but there was a serious disagreement between the Department of Defense and the Department of Energy as to what those aluminum tubes meant. The Department of Energy said: We don't think they have anything to do with nuclear weapons. The Department of Defense said: Oh, yes, they do. And the two of them would have at it in front of us. Then I would walk outside the Intelligence Committee room and hear Vice President CHENEY and Secretary of State Condoleezza Rice saying aluminum tubes equal nuclear weapons, and I am thinking to myself: They are not suggesting there is a difference of opinion even in their own administration.

It was frustrating because serving on that Intelligence Committee I could not discuss what was being debated in that room, but I knew in my heart of hearts that many things being told to the American people were just not backed up with sound, concrete evidence, and that is what is at issue here.

We believe the American people deserve the truth, and the truth comes down to this: The Senate Intelligence Committee promised us over 20 months ago that they would do a thorough investigation to see if any elected official made a statement about the situation in Iraq that could not be substantiated with background intelligence. In other words, did any elected official in this administration, or even in this Congress, deliberately or recklessly mislead the American people?

Is that important? It could not be more important. I cannot think of a greater abuse of power in a democracy than to mislead the people into a war, and to ask the people of a country to offer up the people they love—their sons, their daughters, their husbands, their wives, their friends and their relatives—in defense of the facts.

That is what this investigation is about. We have been waiting 20 months, 20 months for it to take place. I don't know what it will find. There is certainly a lot of questions that need to be asked and answered about statements made by members of the administration. But as of today, we still don't know. We are not certain as to whether that investigation will take place.

I would like to know why, on February 7, 2003, Defense Secretary Donald Rumsfeld told the U.S. troops in Aviano, Italy:

> It is unknowable how long that conflict in Iraq will last. It could last 6 days, 6 weeks. I doubt 6 months.

Secretary Rumsfeld, February 2003. That was over 2½ years ago. The Defense Secretary was not just overly optimistic, he was profoundly wrong. His failure to plan for the conflict that could last years and not weeks has had tragic consequences.

On my first visit to Walter Reed Hospital to visit a soldier whose leg had been amputated, who was from an Ohio Guard unit I asked: What happened?

Well, I was in one of those humvees, Senator. It didn't have any armor plating on either side, and one of those homemade bombs went off and blew off my leg.

Were we ready? Did we have a plan to win, to protect that soldier and others? Clearly not. It was not until recently, and all of our findings after 3 years they finally had the armor plating they needed.

On May 1, 2003, that banner on the aircraft carrier proclaimed that the Iraqi mission was accomplished and President Bush landed on the carrier and celebrated the end of the war.

Tragically, at that time the real war was just beginning. Of those Americans who paid with their lives in this war, only 140 were killed during the phase the President called major combat. We have lost almost 2,000 since then. That means 93 percent of our troops who have been killed in Iraq died after Saddam Hussein was overthrown and his army defeated and since that banner was displayed on that aircraft carrier.

Last May, Vice President CHENEY said the Iraqi insurgency was in its death throes. Well, I can tell you, as we see the casualty reports coming from Iraq, it is clear that the insurgency is not in its death throes. I truly wish it were. Our generals don't agree with that statement. I do not understand what the Vice President used as his basis for making it.

There is one other element I would like to raise which is contemporary, timely, and troubling. For the last week we have had a visit by a foreign Head of State. His name is Ahmed Chalabi. Mr. Chalabi is rather well-known in Washington circles. For years and years he was an Iraqi expatriate who was critical of Saddam Hussein, and he created an Iraqi national congress organization of defectors and those who felt as he did that Hussein should be replaced. That is a good thing. I don't know of anyone who was applauding Hussein in those years, and certainly Chalabi was on the right track in that area.

He ingratiated himself to some of the leaders in this administration, people making policy in this administration, and became, sadly, a source of information. I say ''sadly'' because we have come to learn that much of the information given by Mr. Chalabi to members of our administration turned out to be just plain wrong.

Ahmed Chalabi helped weave a web of deceit about what turned out to be nonexistent weapons of mass destruction in Iraq. He helped provide the infamous and aptly named source known as ''Curveball,'' who fabricated information about biological weapons labs. This information became a cornerstone, sadly, of Secretary of State Colin Powell's speech and slide show to the United Nations, and it turned out to be all wrong. I suspect that in his decades of distinguished service to the United States there are very few moments that Secretary Powell regrets more than being led into repeating some of these assertions by Ahmed Chalabi and his followers. Chalabi seems to have no such regrets.

I took a look at Mr. Chalabi, who was confronted recently. It was in February of last year, as a matter of fact. He was confronted with the fact that many of the things he told the United States about Iraq turned out to be false, completely false. And here is what they wrote in this article on February 19 of 2004 in the London Telegraph:

> Mr. Chalabi, by far the most effective anti-Saddam lobbyist in Washington, shrugged off charges that he deliberately misled U.S. intelligence. ''We are heroes in error,'' he told the Telegraph in Baghdad.

He goes on to say, and I quote Mr. Chalabi:

> As far as we're concerned we've been entirely successful. That tyrant Saddam is gone and the Americans are in Baghdad. What was said before is not important. The Bush administration is looking for a scapegoat. We are ready to fall on our swords, if he wants.

Unrepentant, giving bad information to the American Government, which it followed in planning this invasion of Iraq. Ahmed Chalabi, no regrets. He achieved what he wanted to achieve: Saddam Hussein is gone. The Americans are in Baghdad. The fact that the

American people were misled obviously does not trouble him, but it should trouble others.

What about Mr. Chalabi today? He has a title. He is Deputy Prime Minister in Iraq, and he received a hero's welcome from this administration over the last 7 days.

The other part of this story I haven't mentioned is that on May 20 of last year, the Iraqi security forces raided Mr. Chalabi's home in Iraq, seizing documents and other evidence, and charging him with having sold American secrets to Iran, one of the countries in President Bush's axis of evil, a code that could have endangered American troops and American security.

That is a high crime, as far as I am concerned, the kind of thing which no one can excuse or overlook. In fact, the FBI initiated an investigation of Chalabi for selling or giving those secrets to Iran, and twice last week the FBI told us it was a continuing active investigation. It is ironic they told us that while Mr. Chalabi was the toast of the town in Washington, moving from one Cabinet official to another, from Treasury Secretary Snow to Secretary of State Condoleezza Rice, where he was greeted as warmly as a dignitary from overseas, and then going to visit with Secretary of Defense Donald Rumsfeld and finally, of course, with Vice President CHENEY.

This man under active investigation by the FBI was being warmly received as a Head of State in these agencies. Why, one might ask, isn't the FBI doing its job? Why aren't they calling him in for information, whether he sold secrets that could have endangered American lives? Mr. Chalabi is no hero to me. He seems to be one to some members of the Bush administration. This is a man who should not be treated like a hero. He ought to be treated like a suspect. That is what the FBI said he was last week. The fact he is being vetted by high-ranking officials rather than being questioned by the FBI speaks volumes. Mr. Chalabi went on to say when he was asked about this during his visit to Washington:

As far as we're concerned, we have been entirely successful. That tyrant Saddam is gone and Americans are in Baghdad.

He said: Let's look to the future. Let's not look to the past.

I think it is clear, as the New York Times editorial stated on November 10, 2005:

Mr. Chalabi is not just any political opportunist. He more than any other Iraqi is responsible for encouraging the Bush administration to make two disastrous mistakes on the Iraqi intervention. Basing its justification for war on the false premise that Saddam Hussein had active unconventional weapons programs and falsely imagining that the Iraqi people would greet the invasion with undiluted joy.

Even after the invasion when people were beginning to ask where are these weapons of mass destruction, Chalabi insisted the U.S. forces were simply in the wrong places and asking the wrong people.

In spite of all these transgressions, Mr. Chalabi is being warmly received by this administration.

Mr. President, I know Senator STEVENS is on the floor to deliver a eulogy for our former Sergeant at Arms, and in deference to him and his purpose for coming——

Mr. STEVENS. No, I am not going to deliver a eulogy.

Mr. DURBIN. Mr. President, I will close and give the floor to Senator STEVENS for whatever purpose brings him here.

We believe what happened on the floor of the Senate is significant. We said there must be a change of course in Iraq; we cannot continue. This failed policy brought us to this point. We owe it to our servicemen and their families and the American people to have a plan for success that will bring stability to Iraq on a timely basis, give them responsibility for their own future, and start to bring American troops home.

Our critics say we want to cut and run. No, we want to stop the loss of life by Americans in Iraq. We want to make sure the Iraqis know it is their responsibility for their future.

I certainly believe, as others do, that someone such as Ahmed Chalabi is one of the reasons we made fatal errors in the beginning of this invasion of Iraq. He should not be treated as a hero. I didn't vote for this war. In the fall of 2002 when we were debating use of force, I offered an amendment to defend the United States from an imminent attack by Iraqi weapons of mass destruction. That amendment got to the heart of the matter with the intelligence of weapons of mass destruction so cloudy. It would have raised the threshold for war. It failed.

Now we have to move forward making certain that we keep in mind first and foremost our commitment to our troops and our commitment to our mission. This is a historic vote today with the adoption of the Democratic amendment as changed by Senators WARNER and FRIST. I sincerely hope this vote will mean a change in policy to bring our troops home safely.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from Illinois for his courtesy. I do intend to attend the ceremony to eulogize the former Sergeant at Arms of the Senate.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 2012 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. STEVENS. Mr. President, I ask unanimous consent that the Republican-controlled time on the Commerce-Justice-Science appropriations conference report be reserved for later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAR ON TERROR

Mr. DEMINT. Mr. President, I was just across the way in my office working on several things that I think are important to the country. We were working on a bill to stop the increases in taxes that will occur unless we act immediately. This is another bill that the Democrats are trying to obstruct, but it is critically important that we pass this stop-the-tax-increase bill in order to keep our economy growing and to keep creating jobs in this country.

I was also working in my office, with some of my staff, on some of the things we can do to move this country more toward energy independence. But I kept listening to my distinguished Democrat colleague from Illinois and heard him talking about our President and this war. The more I listened, the more frustrated I became. As a matter of fact, I would have to say I became very angry because what I was hearing was baseless accusations and shameless criticisms, things that were said that I think diminish the Senate as an institution, which I feel must be refuted.

I am afraid that my Democratic colleagues are playing the war on terror similar to a political game. It is a dangerous game that endangers our troops, and it is a dangerous game that the Democrats have played before. Over the last 25 years, terrorist attacks in this country and around the world have increased. During the Clinton administration, Americans were killed in our embassies, on our warships and even in New York City when the World Trade Center was attacked by terrorists. From the Democrats and the Clinton administration, there was a lot of talk, but there was no action. It was all left to the next President to deal with. Instead of dealing with it in a way that would help secure our future, the Clinton administration instead decimated our intelligence network with politically correct ideas that greatly reduced our ability to gather intelligence in difficult places around the world. John Deutsch, President Clinton's Director of the CIA created rules that hurt our intelligence community's ability to gather human intelligence.

Now my Democrat colleagues accuse President Bush of using poor intelligence to do what they said needed to be done before he was even elected President.

In 1998, with President Clinton's leadership, we supported regime change in Iraq. This was something that was determined as a national policy years before President Bush took office. There are some reasons we did this. Saddam Hussein had demonstrated that he was a danger to civilization years before 9/11. He not only attacked Kuwait and tried to assassinate an American President, he committed mass murder all over his country using weapons of mass destruction. He was a deadly killer.

He supported terrorism in other countries. If a terrorist in Israel blew himself up and killed Israelis, the family of that terrorist would receive a check from Saddam Hussein.

To suggest that Iraq was not supporting terrorists is not true. Saddam Hussein, as part of the original gulf war settlement, agreed to document and prove the destruction of his weapons of mass destruction, which he acknowledged he had. But he did not disarm. He did not document the destruction. The inspectors had to play a cat-and-mouse game with him. The world did not know what Saddam Hussein had. Our decimated intelligence network had to guess whether he had them. President Bush made the only decision he could.

Knowing the history of Saddam Hussein, having a national policy that was written by the Democrats to remove him from power, he made a decision to take action instead of talking about it. The justification for removing Saddam Hussein from power happened before President Bush was elected and had been supported by Democrats. But now they come down to the Senate floor and suggest that because the President had some bad information that he rushed us to war. In fact, leaving Saddam Hussein in power would not have been acceptable to any administration that looked at the facts.

This country cannot allow murderous dictators who have attacked our allies, threatened civilians and destabilized the Middle East to stay in power.

Now we have Democrats, whose attitude basically embolden terrorists for a decade during the 1990s by talking but not doing, on the Senate floor attacking our President for doing what we knew had to be done. But this is the Democrat pattern. They say anything, but they do nothing.

We are dealing with a serious energy situation in this country today, but for the last decade they have obstructed any development of our own domestic energy supplies. Now they are on the floor blaming President Bush for the high energy prices, while the President and the Republican Congress have managed, despite the Democratic obstruction, to pass an Energy bill that will move us toward energy independence.

The Democrats are on the floor often complaining about American job losses, but when we try to pass legislation that improves the business climate in this country, they obstruct. They obstructed passing our elimination of junk lawsuits and the elimination of fraudulent bankruptcies. They tried to stop that, voting en bloc against it. But the President and the Republicans have been able to pass that and move us along.

There are a whole list of things that Republicans, with the President's leadership, have done from the Energy bill, to class action and bankruptcy reform. We have passed a budget that reduced the growth in spending. We have passed a number of things that improve vocational training. There is a huge list.

On the back side of this list is what America needs to know about: The Democrat agenda, of which they have none. The reason they are misleading the American people about our President and the importance of winning the war on terror is they have no agenda. They are not willing to step out and take any leadership on any issue. So all they do is obstruct, attack, distort, and complain with their ''do nothing'' agenda.

It is hard for some of us, as we try to go about our work, to move America forward and address the difficult problems of today and create more opportunities for tomorrow, when we have to carry a concrete block we call the Democrat Party. But when they go across the line and start misleading America about the importance of this war on terror and treating it akin to some kind of political game, when we and our children and future generations are in danger, as is the rest of the world. As we see almost every day, this war on terror is real—we cannot treat it as some kind of silly political debate where they are trying to give the Commander in Chief of this country a time line as to when our troops need to go home. It is like they have not bothered to go to Iraq themselves and meet with the troops, as I have had the chance to do twice this year, and talk with the generals. The President has met every deadline he set for elections, to approve the constitution, and we are moving exactly as he said we would move, to turn more of the defense of that country over to their military. That is happening. They are opening businesses, schools, and hospitals, and we are helping them along the way. When we get them to the point where they can defend themselves, the President will bring our troops home, but continue to stand firm against terror, wherever it exists around the world.

This is not a game. Terror is a real enemy, and many Americans have already died because we did not take the war on terror seriously. It is time to take it seriously and to stop playing political games with the most important issue of our generation.

I do not think we as a Nation should ever yield to terror or the type of rhetoric we have had to listen to today.

Mr. DEMINT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE AUTHORIZATION BILL

Mr. CORNYN. Mr. President, I wish to speak briefly about the events this morning, the votes we had prior to our adoption of the Defense Department authorization bill, particularly on the Frist, Warner, and Levin amendments, and try to put this in some context.

First of all, I think we would all agree that our young men and women in uniform who are fighting for freedom's cause in Iraq and Afghanistan and elsewhere are doing a magnificent job, one that they have volunteered to do since we no longer have had the draft. Only people who want to be in our military join our military. Certainly we have nothing but honor and respect for those who put themselves in harm's way in order to make us safer and, beyond that, to engage in the noble cause of delivering the blessings of liberty to those who have known nothing more than the boot heel of a tyrant, as 25 million or so have in Iraq, and those who lived under the Taliban—a similar number—where al-Qaida trained, recruited, and exported its terror in Afghanistan before we were able to turn both of those countries toward the path of democracy and self-determination as peaceful states.

I regret that this war in which we are engaged, the global war on terror, with its central front being in Iraq today, has become such a political football. Unfortunately, we see it is just too tempting a target to partisans, some partisans, to try to engage in revisionist history in order to score political points or, as we have seen this morning, an attempt to impose an arbitrary deadline on the withdrawal of our troops in a way that would jeopardize everything that we have invested in terms of our young men and women, the lives lost, the injuries sustained, and the treasure we have invested in an effort to try to restore Iraq to a self-governing democracy.

I wish to be clear that I am not questioning the patriotism of those who supported this arbitrary timetable for withdrawal in voting for the Levin amendment, but I am questioning their judgment. I think it is simply too important for us to engage in the partisan push and shove here on the floor of the Senate when there is so much at stake. To me it seems clear that a vote on the Levin amendment today was a bipartisan rejection of an artificial timetable for withdrawal.

I have already seen some of the Web sites and even fundraising appeals that have taken place ever since these amendments were voted on. That is the kind of world we live in here in Washington, inside this big fishbowl where politics sometimes overtakes people's common sense or sense of duty. This clearly was not a Democrat victory, to change Iraq policy as some have already suggested, the spin doctors, those who attempt to spin the message of what happens here on the floor for some partisan advantage. I regret that some are attempting to use this message for political gain. This should not

be about whether Republicans have scored points or whether Democrats have scored points. Rather, this should be about our military strategy on the ground in Iraq that is being implemented as we speak to restore Iraq to a self-governing democracy.

How are we doing that? By a three-pronged plan that, No. 1, says we need to train the Iraqis to provide the security necessary so democracy can flourish; No. 2, to build basic infrastructure so the quality of life in Iraq is such that people feel they have a stake in the outcome, the success of this new democracy; and No. 3, to build democratic institutions, beginning with the passage of a constitution on October 15 and now leading up to election of their permanent government on December 15.

The people of Iraq have been through a lot in these last years. They have been through, even since the fall of Saddam, a lot of turmoil since government after government has been created in this transition to permanent self-government. It is a shame, it seems to me, that there are those who would call for an artificial deadline for withdrawal, unfortunately to try to generate public opinion in a way that breaks our resolve and increases the likelihood that we will leave before we get the job done.

I am grateful that a bipartisan majority of the Senate rejected that artificial timetable for withdrawal and made a commitment, as I see it, to stay and get the job done until Iraq gets back on its feet and has a reasonable chance of succeeding as a peaceful and democratic country.

Last week, our country celebrated Veterans Day, last Friday, the day we set aside each year to honor the bravery and the sacrifice of our men and women in uniform who serve our country. I had the chance, as did many of us, to return to my home State. I returned to Texas. I went to a ceremony at the Brazos Valley Veterans Memorial to honor these brave men and women. I have must say, I was struck once again at the great chasm that seems to separate the rest of America from the echo chamber here inside the beltway in Washington, DC. I was reminded of the differences in perception of what it is we are about and the obligation we have to support those men and women in uniform who are fighting for what we believe in. We know they are fighting for what they believe in, and they do so even when the going gets tough. They do not cut and run when it becomes politically expedient to do so.

I had the chance to look across that audience. We had a large collection of World War II vets, people like my dad who flew in the Army Air Corps out of Molesworth, England, flying a B–17. Ultimately he was shot down and captured and spent 4 months in a German prison camp before General Patton and his colleagues came along and liberated him and his fellow POWs. But as I looked across that audience, I saw people like my dad, a generation that is certainly getting older and unfortunately leaving us at a relatively rapid pace. There were those present who had previously served, and there were some there who currently are serving. There were family members of loved ones who are now overseas and families of those who had paid the ultimate sacrifice.

Although the circumstances differed from person to person there in that audience, they all had several profound things in common. I don't know that I could tell you that every single person at that veterans event was in complete agreement with the decision of this President or this Congress to authorize the use of force to remove Saddam Hussein, but what I can tell you is that these people were all patriots. They support our troops 100 percent, and they support the ideals upon which our country was founded 100 percent. They know the contributions of our troops represent the Iraqi people's best hope for freedom and for democracy.

So while there may be some here in Washington—in fact, there are—who, of course, criticize what we are about and armchair generals who want to direct our combatant commanders and those who actually have the responsibility of conducting our national security and national defense operations, I thought it appropriate to point out that even though there are those who dramatically undervalue our efforts in Iraq, there is a huge chasm, it seemed to me, between what I saw there in Bryan-College Station at the Brazos Valley Veterans Memorial Friday night and what I hear argued in the halls of the U.S. Congress, including this morning. I am glad to report the obvious to all of us who live and represent constituencies around the country, that patriotism is alive and well, and our fellow citizens realize that we must continue to support our men and women in uniform in their brave and selfless and noble efforts.

I have come to this Chamber several times during the past few weeks to speak about the situation in Iraq and to do my small part in refuting the false charges by some partisans that the administration has manipulated intelligence in the lead-up to the war. I wish to reiterate my view that we must not let the politics of the moment undermine the path to democracy in Iraq. Such a decision, such yielding to such a temptation would be incredibly shortsighted considering how much has been accomplished in a relatively short period of time and how dear our investment has been, both in terms of the lives lost and the money the American taxpayer has committed to this noble effort. We must stay the course in Iraq.

If our troops were to leave prematurely, what would happen? It is likely that the country would collapse into chaos. Terrorists such as Ayman al-Zawahiri, al-Qaida's No. 2 operative and Osama bin Laden's deputy, and Abu Masab al-Zarqawi, al-Qaida's chief terrorist in Iraq and the one principally responsible for the terrorist attacks we saw last week in Jordan at the wedding reception that killed other innocent civilians—these are individuals who vowed to destroy America and everyone who stands in their way in their attempt to seize power.

A letter from Zawahiri and Zarqawi makes this threat exceedingly clear. If there is any doubt about who our enemy is and what their goals are—on which there should not be after September 11—all one needs to do is read this letter. It is easily available to anyone who wants to read it. It is found in full on the Web site of the Director of National Intelligence. That is www.dni.gov. In that letter, Zawahiri clearly describes al-Qaida's vision to establish an Islamic caliphate that would rule the Middle East, destroy Israel, and threaten the very existence of our way of life.

The consequences of a United States pullout from Iraq should not be in question, either. In this letter, Zawahiri tells Zarqawi that when the United States leaves Iraq, al-Qaida must be prepared to claim the most political territory possible in the inevitable vacuum of power that would arise.

Yes, that is right; a premature withdrawal of our troops from Iraq would create a safe haven for al-Qaida. Iraq would be more dangerous—not less—if we fail to finish the job. An early arbitrary withdrawal from Iraq would empower and embolden the sworn enemies of America and, indeed, all civilization and anybody who disagreed with them. Failure to stay the course and continuing to lay the foundations of a functioning democracy would result in more—not less—terrorist attacks.

Let me say that again because there are actually some who make the specious argument that our very presence in Iraq results in more terrorist attacks. But the failure to stay the course, the failure to finish the job that we started in Iraq, and to continue to lay the foundations of a functioning democracy, would result in more—not less—terrorist attacks.

This letter from Zawahiri to Zarqawi makes that clear. Once they see America leave Iraq, once they fill the vacuum that exists, that is where they would continue to train, that is where they would continue to recruit, and that is where they would continue to export terror. Anyone who believes there would not be a greater probability of our sustaining another 9/11 on our own soil is kidding themselves.

Some of the administration's critics are now arguing, as we heard this morning, for a timetable to withdraw from Iraq. Their actions are nothing more than an attempt to gain the attention of a concerned nation for political advantage rather than a serious strategy for victory. Armchair generals in Washington, DC, are hardly in a position to know what is the best military strategy in Iraq. We ought to listen to our combatant commanders,

such as General Abizaid, the CENTCOM commander, and General Casey, who is in charge of coalition forces in Iraq. They have told us we have to finish the job, that we can finish the job, that there is no military on the face of the Earth that can defeat the United States of America; that the only one who can defeat the United States of America is the United States itself—by losing our resolve, by prematurely withdrawing, by cutting and running, and leaving the Iraqis to fend for themselves in what would surely descend into chaos.

Our withdrawal from Iraq should be determined by the military commanders on the ground and our Commander in Chief. All of us who have been to Iraq to visit our troops on the ground are confident that over time the 210,000 or so Iraqis who have now been trained to provide security for their own people sooner or later will be able to take this job upon themselves and we can begin to gradually, as circumstances dictate on the ground, bring our troops home.

Do all of us wish our troops could come home sooner rather than later? You bet we do. We want them to come home as soon as we can get them home, consistent with our duty to finish the job we started in Iraq. But we should not under any circumstance impose an arbitrary timetable on our forces, signaling weakness to our enemy, emboldening them to stay with their strategy because it must be working, and we must keep going even though it is tough. Our troops in Iraq are committed to victory.

I mentioned the chasm that separates Washington, DC, and these Chambers from the rest of America when it comes to the perception of what we are about in Iraq and the fight for freedom's cause. There is also a huge difference when you travel to Iraq and talk to our troops. They wonder at some of the news reports and some of the politicalization of what they are about, that they aren't confused about their job, they aren't confused about the nobility of their cause and the importance of what they are about. Our troops in Iraq are committed to victory. I hope our elected officials would show the same resolve here at home.

As every one of our military personnel in Iraq understands, Americans do not cut and run, Americans do not abandon their commitments, and Americans do not abandon their friends.

We must remember that it is in the absence of democracy, in the absence of the rule of law that extremism appears. When the rule of law is implemented, when people have a forum by which to redress their grievances as we do in democratic circumstances, this is when the radical ideologues are stifled and even extinguished.

We have to remember how far the Iraqi people have come in such a relatively short time—from a time when they were ruled by a dictator who cared nothing for human life and who used weapons of mass destruction on his own people. I have seen, as have others in this body, the mass graves where at last count at least 400,000 Iraqis lie dead because of the ruthlessness of this blood-thirsty dictator. It was only 2 short years ago that the people of Iraq were oppressed by this brutal dictator. Those who privately yearned for freedom kept silent out of fear for their lives and the lives of their family and other loved ones. But that is no longer the case.

We have seen and continue to see that our strategy is working. The Iraqi people will vote in elections next month. I make a prediction that their turnout in these elections will be broad-based, across all the sects in Iraq, and their turnout will exceed the turnout we see in this country in our national elections. We saw that happen with, I believe, the 63-percent turnout in the vote to ratify the Constitution. It now appears that the Sunnis, many of whom boycotted that election, will finally participate in full force in electing their first leaders in a permanent government.

I hope the Members of this body who yield to the temptation to politicize this issue realize their remarks run the real risk of not only dividing Americans but undermining the resolve for the important task we have at hand, and devalue the sacrifice of our brave men and women in uniform and the noble cause they are about.

I yield the floor.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

Mrs. MURRAY. Mr. President, I will not object, but I would amend the unanimous consent request by asking unanimous consent that Senator COLLINS and I have 40 minutes equally divided after the Senator from Kentucky speaks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Kentucky is recognized.

CONDEMNATION OF THE AMMAN TERRORIST BOMBINGS BY KING ABDULLAH II OF JORDAN

Mr. MCCONNELL. Mr. President, I rise to express my deepest condolences to the families of the innocent victims of the brutal terrorist attacks that occurred in Amman, Jordan, last Wednesday. Homicide bombers, wearing deadly explosives under their clothes, entered three popular and crowded hotels and detonated themselves. Jordanian authorities have determined the attack was the work of al-Qaida.

So far, 57 are thought dead, among them a number of children; many more are injured. A wedding reception was underway in one of the hotels, and on the day after what should have been the happiest day of their lives, a young Jordanian bride and her groom each had to bury their slain fathers.

I know my colleagues join me in completely condemning the terrorists behind this attack. America will never give in to terrorists and their murder of innocents. Unthinkable evil like that only strengthens our resolve to fight terror and bring those who practice it to justice.

According to our great ally King Abdullah II of Jordan, the targets of these Muslim terrorists were not Americans, but fellow Muslims. The hotels were well known to be frequented by Jordanians and Iraqis.

The terrorists' hope is that by attacking America's allies, like Jordan, they can frighten those countries into abandoning the War on Terror, and divide the grand coalition of free nations who oppose them. That appears to have been the purpose of the Amman attacks.

Well, the terrorists will not get what they want. I wish to bring to my colleagues' attention the inspired words of His Majesty King Abdullah, given shortly after the terrorists struck. Before this bombing, King Abdullah was America's steadfast partner in the War on Terror. Today, if possible, he stands even more aligned with our effort to fight terror.

King Abdullah and the Jordanian people will not be swayed by the terrorists.

In fact, we saw the demonstrators in the streets of Jordan—not against the King but against the terrorists.

The day after the bombings, the King declared: ''We will not be intimidated into altering our position, nor will we abandon our convictions or forfeit our role in the fight against terrorism in all its forms.'' He continued, ''To the contrary, every act of terrorism strengthens our resolve to adhere to our convictions, and to confront, with all the means at our disposal, those who seek to undermine the security and stability of this country.''

We all applaud King Abdullah for his strength and commitment to this fight. He refuses to bend to fear. His vision of a Jordan that rejects terror strengthens the will of every Jordanian, even those who emerged bloody and scarred from these atrocious attacks, to see this struggle through.

King Abdullah also deserves praise for his message that Islam is a religion of peace, and that the terrorists are not protectors of the Muslim faith but defilers of it. He is one of the world's foremost voices for moderation and tolerance in Islam. He understands that the War on Terror is not a war between America and Islam, as some of the most radical terrorists try to paint it, but actually a war between a small, fringe faction of violent extremists on one hand and a coalition of all freedom-loving peoples, Muslim, Christian,

Jewish and Hindu among them, on the other.

I ask for unanimous consent that the entirety of King Abdullah's statement on the Amman bombings of last week be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HIS MAJESTY KING ABDULLAH'S ADDRESS TO THE NATION FOLLOWING THE AMMAN BOMBINGS, NOVEMBER 10, 2005, AMMAN, JORDAN

I would like to begin by extending my profound condolences to the families of all the innocent victims who were killed, and we are praying for a swift recovery for all of those who were injured.

This is not the first time that Jordan has been a target of terrorism. It is also not the only country that has been a victim of terrorism; there have been many countries in the region and throughout the world which have been similarly terrorized by attacks of greater scope and intensity.

We know, however, that Jordan has been targeted more than any other country for several reasons, among them, its role and its message defending the essence of Islam—the religion of moderation and tolerance that abhors the terrorists who kill innocents in Islam's name, even as Islam is innocent of such crimes.

Let it be clear to everyone that we will pursue these terrorists and those who aide them; we will reach them wherever they are, pull them from their lairs and submit them to justice.

Jordan does not bow to coercion. We will not be intimidated into altering our position, nor will we abandon our convictions or forfeit our role in the fight against terrorism in all its forms. To the contrary, every act of terrorism strengthens our resolve to adhere to our convictions, and to confront, with all means at our disposal, those who seek to undermine the security and stability of this country.

Our confidence in the security services and their ability to protect the security of this country and its stability remains unwavering. We have succeeded in preventing many planned attacks on this country. For every infrequent success terrorists have had in carrying out one of their crimes, we have had many more successes in foiling their plots.

I appeal to every citizen—man and woman—of this country to consider himself or herself a soldier and a security officer. Each one of you has a responsibility to protect your country. Circumstances require each and every citizen to be cautious and vigilant, and to cooperate with the security services to prevent any attack on the security and stability of this country. We must be united in confronting these terrorists, who have neither a religion nor a conscience.

I am confident that the patriots of Jordan—men and women—will maintain, as they always have, a watchful eye over the country and its security, and will be the first line of defense in protecting Jordan and its achievements. Jordan will continue, with the help of God and the determination of its people, to overcome evil.

Finally, all my thanks and appreciation go to our security, military and civil institutions, as well as to the citizens of Jordan who have acted as one in confronting the attacks on our precious capital, Amman.

Mr. MCCONNELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

(The remarks of Mrs. MURRAY and Ms. COLLINS pertaining to the introduction of S2008 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Michigan.

ORDER OF PROCEDURE

Ms. STABENOW. Mr. President, I ask unanimous consent that following my remarks, Senator DURBIN be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. I thank the Chair.

ASIAN TRADE

Ms. STABENOW. Mr. President, President Bush arrived in Japan today and will meet tomorrow with Prime Minister Koizumi. Later this week, he will travel to China to meet with their President as well. It is time that we insist that the President use this opportunity, this important opportunity, to demand changes, changes in our economic relationship with China and with Japan. The President needs to say, as he is there with those leaders, that we will no longer accept their illegal trade practices that are costing American jobs, and we demand that changes be made; we no longer accept the fact that China and Japan manipulate their currency, which means their products are artificially lower than ours when they sell them into this country; we no longer accept that they are stealing our patents and our intellectual property.

Last week, I was pleased to author a letter to the President with that very message on behalf of myself and 14 other Senators, urging him to make 2 major changes in our relationship with these important nations: No. 1, we need to end the rampant counterfeiting of American products that is occurring in China. It is estimated that 7 percent of world trade is in counterfeit goods, that the counterfeit market is worth $350 billion. It is estimated that in the auto industry alone, we lose over $12 billion annually to counterfeit auto parts, parts that are unsafe as well as costing us jobs. If you stop this illegal activity, the auto industry could hire an additional 200,000 workers—200,000 workers in Michigan. That would equal our ability to cut our unemployment rate by two-thirds—200,000 people who are now challenged with losing their way of life, trying to figure out what they are going to do if they are making half or a third less of what they used to make because of what is happening in manufacturing in our country. People are paying more for health care and may very well lose their pension.

We can do something about this if we simply change our relationship and send a strong message that we are going to put American businesses and American workers first. Our middle class clearly was built on manufacturing, and our manufacturers are having a hard time these days.

It is critical that we continue to manufacture in this country. Is it changing? Has it changed? Of course, it is now high-tech manufacturing. When you walk into an automobile factory, it looks very different—quiet, clean, computers, highly skilled workers—but we have to maintain a strong, vibrant manufacturing economy. We cannot just step back and say we are going to be a service economy now and let the rest of the world make things and grow things. That will lead to what is now becoming a race to the bottom for American families.

The Economist Magazine recently reported a disturbing fact. This year, manufacturing jobs in the United States dropped below 10 percent of the population for the first time in history. This is not acceptable if we are going to continue to have our way of life in this country, and it is not necessary. If anyone believes that the middle class in this country can survive without a vibrant manufacturing sector, they are mistaken. As I indicated, we must make things in this country and add value to it as we do so, as well as grow things. That is a foundation of our economy, and that is what has created the wonderful middle class and the wonderful way of life we have enjoyed for so long as Americans.

We can do better than this policy that is currently in place.

The President must demand that China and Japan stop manipulating their currency. When they undervalue their currency, it makes U.S. exports to China artificially more expensive and places U.S. manufacturers at an unfair disadvantage in the Chinese market. It also makes their imports to us artificially less expensive, hurting manufacturers and costing American jobs. When they undervalue their currency, it is essentially an illegal subsidy of imports from China and a large tax on U.S. exports to China, and we need to call it the way it is. The President needs to be in China and call it for what it is.

We are projected to finish this year with a record trade deficit of more than $700 billion. That is more than the budget deficit, up $100 billion over the record $618 billion last year. China accounts for $200 billion of this deficit, more than a quarter of the total trade deficit in our country. China is the largest contributor to the U.S. current account trade deficit, and therefore adjustment of its currency has to be a part of anything we do in revitalizing the manufacturing sector.

China is not the only offender here. In 2003, the Bank of Japan spent $190 billion in global currency markets in order to manipulate and artificially weaken the yen. Japan continues this practice today by talking down the value of their currency, promising intervention if the yen moves out of a predetermined trading range.

The President must insist that this stop if we are going to continue to have a relationship, an economic relationship with both of these countries. In

fact, we can do something about currency manipulation right now. Every 6 months, the Secretary of the Treasury submits a report to us as to whether countries are manipulating. We expect to have a report in front of us this month, the month of November. Unfortunately, I expect it to say what it has always said, which is technically they are doing what we all know that they are doing, we all know. Any businessperson in my State can tell you that China is manipulating their currency. Talk to people in the auto industry, they will talk about Japan. And yet our own Treasury Secretary will not certify it is happening, giving us the tools to enforce against this illegal trade practice.

Let me be very clear. Currency manipulation kills American jobs, and it is illegal, it is illegal under the WTO and IMF obligations. China says they want to be a part of the world community, the world marketplace. They have been allowed to do that. We now need to say to them very strongly, with this opportunity comes the responsibility to follow the rules.

One of the things that is extremely concerning to me, when you look at currency manipulations, we have lost over 1.5 million manufacturing jobs because of this one policy that is illegal. The Treasury Secretary can do something about that by simply certifying that it is happening, and the President of the United States right now this week can look the President of China in the eye and say this is no longer going to be tolerated by the United States of America, we will not continue to lose manufacturing jobs and our quality of life in this country because they are not following the rules. Cheating is no longer allowed by China and by Japan.

The bottom line is we can no longer continue to sit on the sidelines while our trading partners continue to artificially control prices, look the other way when it comes time to enforce intellectual property rights, and fail to live up to their obligations under the WTO and the IMF. It is not acceptable to say that we are going to throw open our economy in the international marketplace and not care what the rules are.

Every other country cares what the rules are. The European Union took us to court because they felt we were unfairly subsidizing our businesses. They won. We changed our tax laws. We are the only country that does not seem to have policies that get it. This administration doesn't understand they are supposed to be on the same side of the table with American workers and American businesses. It is time for that to happen. I urge the President to act now before our manufacturing economy and our middle-class way of life is taken from us.

Current Federal policies are based on a philosophy that says to Americans, you are on your own in a global economy; you are on your own, good luck. To American manufacturers, you are on your own; American workers, you are on your own.

Mr. President, I believe that we are in this thing together, and Americans understand that we have a stake in what the rules are and an economy that works for everybody, an economy that puts Americans and American businesses first so that we can continue the great way of life that we have had in this country. Americans know that we are in it together and that together America can do better. I call upon the President to join us in the fight for our way of life in America.

I thank the Chair.

The PRESIDING OFFICER. The Senator yields the floor.

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank the Chair.

PRESCRIPTION DRUG PLANS

Mr. DURBIN. Today is the opening day for the new Medicare prescription drug plan D, and it is a day of great concern across America for millions of senior citizens who want to get it right. They believe, as I do, that Medicare should include a prescription drug benefit. It is almost hard to believe that a program that has been in existence for 40 years basically does not provide prescription drug coverage, but it started in a day when there were not that many prescription drugs and they were not as good. Today, we realize that often taking the right medication can make a person independent, strong, and living the life they want to live and avoiding doctors' care and hospital care.

So it is certainly the thing to do. We have known it for a long time. We have talked about it for a long time. We debated it over 2 years ago and decided to pass this approach to Medicare prescription drug benefits. I do not think we could have dreamed up a more complicated approach for a benefit that is basically pretty straightforward. Many of us thought the plan we passed here in Congress was just a sop or a favor for the pharmaceutical industry. They wanted to be able to offer plans all across America and say to seniors: Come and figure out which one is best for you. Well, the problem, of course, is that there are hundreds and hundreds of plans across America. And now senior citizens, some of whom are not in the best shape physically, are forced to make a call.

A fellow in Springfield, IL, told me about his 80-year-old mother who called him really concerned. She said: You know, I am supposed to pick a prescription drug plan, and they tell me to go to the Internet. What does that mean? You see, three-fourths of senior citizens have never logged on, they have never been on the Internet. They go to the traditional sources of information that you might expect—someone they trust. She went to her son and said: Can you help me through this? And her son came to me and said: Senator, what have you done to us? I just took a look at the Internet, and my mom has 40 choices. I now have to line up her prescription drugs and figure out which plan covers those drugs and how much they charge, and then I have to figure out which plan will work with the drugstore that she is comfortable with, the one she trusts. I have to put that all together and make a decision for her, and I better do it quickly. I have until May 16, and if I wait until after that, then I am going face a penalty.

She is lucky. She had her son to call. Some seniors don't have anybody to call. But there are people calling them. Do you know who is calling them? The insurance companies that want to sell these plans, some of the pharmaceutical companies, some of the drug companies, they are calling the senior citizens and telling them: We have a deal for you. And many of these people, bewildered by what they are facing, really don't know where to turn. You can't walk into a drugstore in my hometown of Springfield, IL, without having somebody go up to a senior citizen and say: Let me talk to you about this prescription drug benefit.

Think about that. Some people have knocks on the door and phone calls with folks saying: We have the best plan in the world for you. In fact, the Attorney General of Illinois, Lisa Madigan, had a press conference with us a few weeks ago. They are finding evidence of rampant fraud when it comes to companies that are sadly taking advantage of our seniors. They are calling them and saying: Incidentally, will you give us your Social Security number so we can log you into the system? These people unwittingly give their Social Security number that can open up so many elements of their personal life they should not be advertising and publicizing.

How did we ever reach this point? Is this the best we can do? I don't think so. When it comes to helping our seniors with a real prescription drug benefit, America can do better—a lot better—than what we are asking the seniors to go through right now. American seniors are confused about this plan, and Congress needs to give them at least more time to figure it out.

Let me show a chart that explains part of it. ''Understanding How the Benefit Will Be Administered.'' They asked seniors:

To the best of your knowledge, do seniors in the traditional Medicare Program have to sign up with a private plan to get the new Medicare drug benefit or not?

Yes, 35 percent; no, 32 percent; don't know, 33 percent.

Do seniors have to enroll in a Medicare PPO or HMO to get the new Medicare drug benefit or not?

Yes, 17 percent; no, 40 percent; don't know, 42 percent.

According to a poll released by the Kaiser Family Foundation last week,

two-thirds of seniors don't even know they have to choose a private plan. One-third of seniors think they are going to get their drugs through Medicare, and that is wrong. That is the proposal we suggested on the Democratic side of the aisle to make this simple and straightforward, a Medicare plan where the Federal Government would bargain with the pharmaceutical companies to get bulk discounts and low prices, saving seniors money and saving taxpayers money. But the pharmaceutical companies wanted no part of it. They want to be able to charge the highest prices they can. They want the smallest bargaining units they can come up with: groups of seniors rather than all Medicare seniors.

Let me show another chart which spells out some of the problems with the current approach seniors are facing. This chart—and this was part of a survey by the Kaiser Family Foundation, Harvard School of Public Health, on awareness and use of the Medicare Web site, medicare.gov. They asked seniors:

Have you ever heard of the Web site medicare.gov?

Two-thirds said no.

Have you ever looked for information on medicare.gov?

Three-fourths of them have never been online.

Let me show some other statistics that show the gravity of this problem that faces seniors as they have to make literally life-and-death decisions.

The Kaiser Family Foundation asked in a survey, ''Seniors' Beliefs about Enrollment'':

Do seniors generally need to sign up to get the new Medicare prescription drug benefit or will coverage automatically begin by January 1, 2006?

Have to sign up, 64 percent; 10 percent said it will begin automatically; 25 percent, don't know. That was in October 2005.

We are finding fewer and fewer seniors understand the obligation and responsibility they currently have. If a senior does not sign up for a Medicare drug plan in 2006 but wants to enroll in a future year, which of the following is true: He or she will face a financial penalty? Thirty-six percent said yes; 27 percent said don't know; 19 percent said no penalties; 17 percent said maybe.

Most alarming, 63 percent of seniors don't know they will face financial penalties if they don't sign up by May of next year. If a senior decides in June of next year to go back and try to sign up, they will have to wait until November of that same year for the next open enrollment period. Boy, you have to read the fine print. And to think we are putting millions of seniors through this is hard to believe.

I would say this: If you enjoy doing your tax returns, you are going to love signing up for this program because this is going to confront you with more choices and more new information and more fine print that can get you in trouble than most seniors could ever imagine. For every month a senior waits, they will pay a penalty of 1 percent on the national base premium. That penalty is added to their premium every month for the rest of their lives. So by May, if you haven't figured it out and you want to wait until October or November, you now have incurred a penalty of 1 percent a month which you now will have to pay as long as you are part of the program, and the penalty can increase each year as premiums increase. This is some punishment for not signing up.

Let me talk about my State of Illinois. There are 17 insurance companies offering 84 different Medicare HMO or PPO plans. There are 16 prescription drug organizations offering 52 different prescription drug benefits, for a total of 136 plans in my State of Illinois. In Cook County alone, there will be 64 different Medicare drug plans.

I asked my staff to act as if they are a senior signing up for this plan and find out what they can. You won't be able to make much of this if you are following this debate. But if you think that is a big, long list of plans to choose from in the State of Illinois, that is half the story. Here is the whole story. This is what your mother and grandmother, your father and grandfather will have to sort through. They will have to figure out what the premium might be, what the deductible is, what is the copay, whether they are going to fill the donut, which is another problem with this plan, whether it covers your drug.

Incidentally, you know what we found out, even if you get on their Web site, you can't find out if the most common drugs are going to be covered by these plans. We tried to find out if Zocor, a common drug for cholesterol, would be covered by these plans. Not in a single instance could we gather that information off the Web site. You have to call the plan. You are put into voice mail. You have to wait patiently until your turn comes to ask whether one of these plans is the best plan for you.

This chart is what a Cook County senior who doesn't have any extenuating circumstances would have to evaluate. What I mean by ''extenuating circumstances'' is whether they face factors that make the comparison of these plans even more difficult. This person I am talking about is not in a nursing home, not eligible for State assistance through Illinois Cares Rx or Medicaid, not eligible for Federal low-income assistance, nor is she on Social Security disability.

We assume she is taking four drugs: Zocor for cholesterol, Nexium for chronic heartburn, Fosomax for osteoporosis, and Relafen for arthritis.

Because the formularies—the list of drugs you can receive under each plan—are not listed in the ''Medicare and You'' handbook she received last week, she has to call every single plan to find out if her drugs are covered, or she can go out to the Web site, if she is one out of four seniors who have ever done that in their life, for companies.

First, she has to find the Web site because they are not listed in the Medicare handbook sent to seniors. Once she knows which companies cover the drugs, she will have to add up the copays, deductibles, and premiums to determine the best deal. Is that the kind of assignment you want to give to your mother in a nursing home? Is that the kind of assignment you want to give to seniors perhaps dealing with their own challenges and problems in their life?

Unfortunately, that is the assignment this bill does give. When the Kaiser Family Foundation told seniors they would have more than 40 plans to choose from, 70 percent of seniors said more plans make the program confusing, and that is obvious.

Sally Moss from Jacksonville, IL, wrote to me and said:

On my kitchen bar sits material I have received in the mail from Social Security, AARP, and companies advertising their plans.

The PRESIDING OFFICER. The Senator from Illinois has exceeded the time allotted in morning business.

Mr. DURBIN. Mr. President, I ask unanimous consent for 8 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, Sally Moss wrote:

On my kitchen bar sits materials I received in the mail from Social Security, AARP, and companies advertising their plans.

Periodically, I sit down to try to make sense of it, knowing that I need to make a decision before long. This idea of having to select a drug insurance plan from the private sector is the most ludicrous thing. . . . I am only 66 years old, with a major in business administration and a minor in computer science, and have only been retired for 16 months. If I am frustrated and confused, imagine those who are much older and less educated.

What can seniors do at this point if they don't have someone in their family they can turn to, whom they can trust, who will help them work through this morass of Government redtape to get to the plan for them? Turn to a group that doesn't have a financial interest in your situation. Never, ever give out your Social Security number. Go to Government agencies such as the Senior Health Insurance Program in my home State of Illinois, but be prepared for a long wait. We had our office call on behalf of some seniors to find out how long it would take to get information, and it turns out you are put in voice mail and you could wait for a long time.

In Peoria, IL, there are 23 volunteers answering the phones. They tell us they need 100 to get the job done in that one town.

It is not uncommon for seniors to attend two or three informational sessions because this benefit is so complicated. Some seniors get pretty emotional. They don't want to make the wrong decision.

In DeKalb County, there are four counselors for the whole county. Bob Rosemier is so concerned about the lack of staff that he is trying to get the DeKalb County Board to put on counselors to explain this complicated Federal program.

I am cosponsoring with Senator NELSON and Senator SCHUMER a bill called the Medicare Informed Choice Act of 2005. I ask any of my colleagues in the Senate who are receiving phone calls from seniors in their State facing the same problems I just described—finding it almost impossible to wade through this information and make the right choice, concerned they won't be able to do it even in the few months we have given them, worried over the penalties that could be assessed against them if they miss the next May 16 deadline—to help us pass this bill before we go home for Thanksgiving.

This bill does three things. It delays the late enrollment penalties for an additional 6 months so people have an entire year to sign up without penalty. It gives every Medicare beneficiary the opportunity to make a one-time change in plan enrollment at any point in 2006, so if a senior makes a mistake and chooses the wrong plan, it can be remedied. It also protects employees from being dropped by their former employer's plan during the first year of implementation so that beneficiaries have time to correct enrollment mistakes.

The Medicare Informed Choice Act is a modest, time-limited step we can take to ease the pressure on our senior citizens so that in the first year they get the decision made and made right, and if they make a mistake, they will not be penalized for it.

I urge all my colleagues, if you believed passionately in this bill as it was passed—and I did not—at least be sensitive to the people back home who are struggling to make sense out of this complicated measure. I urge all my colleagues to join me in the effort with Senator NELSON and others to help protect Medicare beneficiaries during the benefits implementation period.

UNANIMOUS-CONSENT REQUEST—S. 1841

Mr. DURBIN. Mr. President, as I advised before I started speaking, I ask unanimous consent that S. 1841, the Medicare Informed Choice Act, be discharged from the Finance Committee and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. I object.

The PRESIDING OFFICER. The Chair hears an objection.

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask unanimous consent to speak for up to 40 minutes as in morning business and that the time be equally divided between myself and the Senator from South Carolina, and that we may be permitted to engage in a colloquy during that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOCIAL SECURITY GUARANTEE ACT OF 2005

Mr. SANTORUM. Mr. President, Senator DEMINT and I are here tonight to talk about an issue that has drifted to the back burner of American political discourse. It is unfortunate that it has. It is an issue that both the Senator and I, and I know many others on this side of the aisle, have worked to accomplish diligently now for many years, for me since 1995, trying to grapple with the shifting demographics and the changes that are coming to this country when it comes to the issue of entitlement programs.

There is no more important entitlement program that we have to preserve and protect and save than the Social Security system. It is the bedrock upon which our seniors have the security to meet the needs they have in their later years in life.

We understand this demographic timebomb of the baby boom generation, people living longer, lower birth rates, all of those things come together to create a demographic perfect storm that causes the Social Security not to be able to pay for the benefits promised to future retirees. We have tried to put forward solutions. I put forward solutions. Senator DEMINT has put forward more than one solution. Other people on this side of the aisle have done so. The House has done so. The President has put forward ideas on how to address this problem. We have done so because we believe it is important for us to step up to the plate and be serious about addressing this serious concern that millions of Americans who are retired, near retirement, and even younger Americans have about their ability to collect their Social Security check.

We fought hard to bring this debate to a head on the floor of the Senate. Unfortunately, we have not succeeded. We have not succeeded because we have been met with a partisan obstructionism that is as rock solid as the marble before me on the rostrum.

The fact is, we have seen no cooperation at all from the other side of the aisle. Unfortunately, we have not seen any attempt to come to the table and try to solve the problems of Social Security that all sides of the spectrum admit is looming for future generations of retirees. That is unfortunate. It is unfortunate because we have had an opportunity this year to address an important issue before the crisis strikes.

One of the great complaints that Americans have about Congress is that we wait until the problem is almost overwhelming us before we do anything to react to it and therefore end up with less-than-optimal solutions.

We have an opportunity now, as the crisis looms but far enough away, to be able to address it in a way that can spread out the burden and create better opportunities for future generations of retirees, and just as importantly, future generations of taxpayers and American families trying to keep the quality of life and, in fact, improve the quality of life that we have in America. But we did not get that accomplished.

What Senator DEMINT and I have decided to do, in cooperation with our leadership in the Senate, is to try to take a first step. Using football analogies, which I know the Senator from Virginia, Mr. ALLEN, loves to use, we tried to throw the long ball and march down the field, but we are going to try to run off tackle here and see if we can pick up a yard or two to move the ball down the field to get to the goal of providing retirement security for future generations and saving and strengthening the Social Security system.

The first play in trying to accomplish that is legislation that I have introduced called the Social Security Guarantee Act of 2005. As I mentioned before, Americans work very hard and pay a lot of money. It is the biggest tax that most Americans pay. The overwhelming majority of Americans, the biggest tax they pay is the Social Security tax. From the tax they pay, they expect that benefit to be there when they retire.

The point is, for those who are at or near retirement, the answer is that it will be there. In fact, in looking at the long-term problems of dealing with Social Security, there is nothing this Congress should do to affect the near-term retirees and those who are retired today. We have said over and over again, those of us who have been advocates for strengthening the system, whether it is the President or Senator DEMINT or Senator FRIST or others, that we do not want to do anything to impact those who are near-term retirees and those who are already in the system.

The reason is twofold. No. 1 is we do not have to. The system is solvent. In other words, there is more money coming in than we need to pay out over the next 15-plus years. Therefore, we do not need to have any kind of fixes for those in the short term. The problem is out in the long term.

The second reason is a matter of fairness and equity. To change the game literally before someone crosses the finish line, to move the finish line—or even the people who have already crossed that finish line and have ended up in Social Security, to move it back would simply be inequitable. People would not have the opportunity to plan for that, and it could be very disruptive to their retirement.

So what Senator DEMINT and I have suggested in the Social Security Guarantee Act is that we put in writing in the statute what everyone has sort of agreed to in casual conversation and even beyond casual conversation. If we can put that chart up, the Senate recently, March 15 of this year, all 100

Senators, including every Senate Democrat, in a rollcall vote, voted for the Graham-Santorum amendment to the budget resolution. If we look at the language, I will point to the part A. It says that Social Security reform ''must protect current and near term retirees from any changes to Social Security benefits.''

So what the Social Security Guarantee Act does, which I am proposing, is to actually make it a Federal law, not just a resolution, something that we all think is a good idea, which is what a resolution is, but actually put legislative language in place, put something in law that says that your benefits are guaranteed, your cost-of-living increases are guaranteed in the Federal law which, contrary to what most seniors believe, is not the case. There is a Supreme Court case from 1960 which says that there is, in fact, no legal right that you have.

Obviously, there are claims that can be made in the political process to those rights, but as far as legal rights in the statute, there is no guarantee to that cost of living.

It would be vitally important for us, as we head into hopefully a longer term and more complete look at the Social Security system and saving that system, that we start from the ground that we are not going to affect anyone who was born before 1950. That is basically people 55 and older in our society today, we are going to say, If you were born before 1950, you are off the table; we are not going to discuss it. We are not going to play politics with you. We are not going to scare you. We are not going to threaten you. We are going to take these benefits and we are going to enshrine them in the law to protect them from anyone playing politics with them or even trying to include them in any kind of reform down the road.

This is a first step. It is a small step, but it is an important one for our Nation's seniors. I am hopeful we will be able to get that done maybe even this evening.

I yield the floor to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I am not going to spend much time, frankly.

(Several Senators addressed the Chair.)

The PRESIDING OFFICER. The Senator from Pennsylvania and the Senator from South Carolina control the time.

Mr. BAUCUS. Mr. President, I ask the Senator from Pennsylvania if I may have 5 minutes. I have to leave very quickly.

Mr. DEMINT. We have been waiting for several days to do this. We will keep the time.

Mr. SANTORUM. I would be happy to yield. I will yield 5 minutes to the Senator from Montana, the ranking member of the Finance Committee.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I am not going to spend a lot of time on this because this is just ''kabuki'' tonight. Everyone knows this is not a serious effort. Everyone knows that this is an attempt, frankly, to make a statement to the press and the people back home. It is very disingenuous, in this Senator's view, because it is not serious, and it is playing with the lives of a lot of senior citizens who wonder what is going on.

This consent asks the Finance Committee to be discharged of the legislation. I do not understand that at all. If this is such an important issue, why doesn't the Finance Committee deal with that? I think the answer to that is because there are not the votes in the Finance Committee. The majority of Republicans would not support this in the Finance Committee. They know privatization of Social Security is one of the worst ideas that has come out of this body by any group of Senators in a long time. Why? The DeMint bill increases the Federal debt held by the public by $1 trillion in current dollars in the first 10 years. It increases the Federal debt by $1.7 trillion the first 20 years. By 2080, the debt will be higher under current law by more than $800 billion. So it is a massive increase in the Federal debt.

Secondly, it will cause a huge increase in the annual budget deficits for the same reasons.

Third, what does it do? It means a reduction in benefits that would otherwise go to Social Security recipients. Why is that? Because the money taken out of Social Security would not be available to pay for Social Security benefits. That will reduce the benefit payments out of Social Security.

The argument is private accounts would offset that. All studies show, at best, that is barely a wash, probably worse than that because the private accounts would be subject to the vagaries of the markets. Over the long haul, seniors would not be doing very well at all.

Add to that, it usually creates a huge risk. More than that, it creates a very large administrative cost not recognized by the authors.

Jason Furman, from the Center on Budget and Policy Priorities, estimates the plan would have administrative costs of at least $25 billion over the first 10 years. That is above what is paid now in the current Social Security system.

Also, the DeMint proposal would treat individuals with different years of birth in different ways. It would cause an inequity among benefits of Social Security recipients.

So I am not going to say much more about this. It is flawed. Frankly, it is a phony gimmick. One has to call a spade a spade around here sometimes and not be too deferential, not be too nice, too courteous, but to call it a spade. This is a fraudulent effort to play with people's lives, and at the appropriate time, it will be appropriately objected to.

Mr. SANTORUM. Mr. President, while I was trying to be courteous in yielding to my colleague, I want to make a couple of comments about what the Senator from Montana said. I would hope he would go back and read the Social Security Guarantee Act of 2005 because it does not do anything the Senator from Montana spoke of. What this bill simply does is guarantee benefits in the law for people who were born before 1950. It does not set up any kind of personal account system. It does not do all of the things that the Senator from Montana said.

The Senator from South Carolina will talk about his Stop the Raid bill, which simply takes money out of the surplus and puts it into accounts for holders to make sure that that money is spent on Social Security benefits but no administrative costs. All the things the Senator from Montana talked about do not apply to either one of our bills.

I understand there may be an objection, but I would caution the Senator from Montana that the objection cannot be under those terms because the objections that the Senator from Montana cited are not in either one of the bills. I yield to the Senator from South Carolina.

Mr. DEMINT. I say to Senator SANTORUM, as he can tell, I was originally hesitant to yield to our distinguished Democratic colleague, but I am now so grateful that the Senator did yield because it made the case of why we need to guarantee benefits and why we need to stop the raid on the Social Security surplus.

Practically all the information that we heard is untrue as it relates to my bill, but the misleading information is the best case for the Guarantee Act that Senator SANTORUM has proposed. It is so important, when people are getting untruths and so much misinformation that is intended to confuse them, that we reassure the American people that regardless of how we change Social Security to benefit future workers, that we are not going to change anything about the benefits of anyone who was born before 1950.

I am honored to be presenting these ideas with Senator SANTORUM today. There is no one in this Congress and probably no one in this country who has done more to protect Social Security for this generation or the next than has Senator SANTORUM.

I am also supporting this Guarantee Act because Americans know that we have a problem with Social Security. It is disingenuous for any Member of the Senate to suggest otherwise. So we must guarantee in the face of these folks knowing we have a problem, but we also must begin now the process of fixing the Social Security system so it will be there for younger Americans. We can do that by, first, stop spending Social Security on other things. That is what we are doing right now as I speak.

Americans know why we have a problem with Social Security. Maybe Senator SANTORUM can add more later since he has done so many townhalls. There are many Congressmen and Senators who have gone out to talk about Social Security, and they have had many people stand up and say, Social Security would be fine if you folks in Congress would stop spending Social Security on other things. They figured out that every dime that comes in for Social Security that is not needed for today's retirees is spent on other programs.

If we could look at the next slide, since the mid-1980s we have had $1.7 trillion of Social Security taxes that have come in that were not needed to pay benefits. Our colleagues will say that that is safe and sound in the trust fund but, frankly, if there is one fact that is true on this floor tonight, it is that every dime has been spent on something else. Not one penny has been saved for Social Security for today's retirees or for tomorrow's retirees.

What we are proposing is to stop that raid on Social Security. We are not proposing a comprehensive change in the Social Security system. In fact, Americans would see no difference in the Social Security system. What we would start doing is to take the money that is not needed for Social Security today and save it so that it would not be spent on other things.

Here is the proposition: Between now and 2017, we are going to spend another $775 billion of Social Security money on other things unless we pass this Stop the Raid on Social Security bill. We can see it year to year. This year it is almost $70 billion that came in for Social Security that was spent on other things. Next year it will be well over $80 billion, and it will continue until it disappears in 2017. At that point, there will not be enough Social Security taxes to pay benefits, and we will have to start moving money from the general fund to make sure every American gets their Social Security check.

The Stop the Raid bill would take all of this money, $775 billion, and put it in Treasury bills so that it could not be spent on other things. Instead of the government owning it, the people who send the money for Social Security would own it.

My Democrat colleagues oppose ownership. They do not want the American people to own their own Social Security system. They want the Government to own it, and they want the Government to continue to spend it on other things. We want to stop that raid on Social Security. The Democrats, as we have heard tonight, will say that if we stop spending this Social Security money on other things, it is going to increase the deficit. Again, that is not true. All it does is make us honest with our accounting.

Right now, the $1.7 trillion we have already spent, and this 775 billion additional dollars is spent without any recognition that we are creating a debt. If we save this money in Treasury notes where there is no risk to the American people, we have to start counting it as debt if we continue to spend it. This is a secret slush fund that Congress has used for many years—$1.7 trillion plus $775 billion. Congress, every year, spends this money on other things and does not count it as debt. If we start saving it for Social Security, it will be a debt if we continue to spend it.

Only in Washington—and I am afraid only my Democrat colleagues—could say that saving money creates a debt. I am afraid only a Democratic colleague at this point could say that saving $775 billion of Social Security money for Social Security actually weakens the program. Their intent is to oppose ownership by the American people who should own Social Security. Their intent is to spend this $775 billion on something else.

I have heard my Democrat colleagues over the last couple of weeks talk about stopping the raid. They want to stop the raid by increasing taxes. They have said that they stopped the raid. That has never happened, and that is not true because even when we were in surpluses as a nation a few years ago, every dime of Social Security was spent. Some of it was spent to pay down debt, but it was all spent. And not one penny, even when the Nation was in surplus, was saved for Social Security. We need to stop that practice and be honest with the American people.

My Democrat colleagues have said interesting things about stopping the raid. Our distinguished minority leader has said he supports the raid. He called stopping the raid a ''bad idea'' that will ''threaten benefits and increase the debt and weaken Social Security.'' Get that. We are going to save Social Security for Social Security and that weakens Social Security. It is amazing.

Let's look at another comment from Democrat leaders. This comes from our colleague in the House, Minority Leader NANCY PELOSI:

> There is nothing wrong with Social Security lending money with the prospect of returning it.

One more quote, and then I know Senator SANTORUM has probably some questions for me. This is from our colleague, CHARLIE RANGEL, the House Ways and Means ranking member. When talking about the raid, he says:

> There is nothing wrong with that.

But let be read his whole statement. He said:

> Would you have any problem if you put your money into a bank and they just took your money and invested it and you went to the bank and they gave you your money when you needed it? There is nothing wrong with that.

The problem is, that is the core of the misinformation we are hearing from Democrats, that our money from Social Security is actually saved in a bank; that it is actually there. But that is not true. It is not fair to tell the American people that it is true. There is no bank. There is no money. We need to start today to stop the raid on Social Security money.

Mr. SANTORUM. I ask the Senator from South Carolina, one of the things I hear, and I think you were alluding to this, is that some people believe that they actually have an account at Social Security where this money they contribute is sort of there—that is maybe what Congressman RANGEL was alluding to—for them to sort of pay their benefits out. Is that the fact, first and foremost? Then I will ask my followup.

Mr. DEMINT. I have had people back home, when we are talking about saving Social Security and putting it in personal accounts, tell me that is what they thought was already happening. They thought we were saving their money because we talk about a trust fund. But the more people find out about the truth, when we say there is not any money in the trust fund, first people smile and think I am not telling them the truth. We need to tell Americans the truth.

Mr. SANTORUM. The Senator got into something that is a rather complex concept, but it is really important for understanding the difference between what he wants to accomplish and what goes on in the current system. That is, what your bill does is it creates an explicit debt. How is that different? What is the difference to the average person, that they have a specific account with that money as opposed to just sort of the general money that is owed to the Social Security trust fund? What is the difference?

Mr. DEMINT. Right now the largest tax most Americans pay is the 12.5 percent for Social Security. That is thousands of dollars for the average American family every year. It comes into the Social Security system. It is credited to a trust fund. Then it is spent either on Social Security benefits or spent on other things.

We have made Americans believe we are saving that money for them, but it is all passing through. The only thing that is in the Social Security trust fund is IOUs. Our President, who has been a leader on this issue, actually went and opened the file cabinet where these IOUs are.

The problem, Senator, as you know, is we cannot pay future benefits from IOUs. But we can from real money if we start saving it. There is nothing risky about saving this money in Treasury notes so it cannot be spent on other things. But you asked an important question. Right now, the Government owns the Social Security benefit and politicians control it. If we start saving Social Security in personal accounts—we are not talking about taking it out of the Social Security system. It is still just as much a part of the Social Security system as what we have today, only it is real money and people own it, which means they have

a legal right to it, which they do not today. In the future, politicians cannot build their whole election campaign around frightening seniors that we are going to take their Social Security.

Mr. SANTORUM. What is the impact? Let's take it a step further. Let's assume we were successful tonight in getting the Stop the Raid bill passed and every American would have their own personal retirement account with the money from the Stop the Raid bill, and 15 years go by and that money has built up. What is the practical effect on the average citizen of what your bill does versus the current system?

Mr. DEMINT. This bill alone would not change anyone's benefits. In fact, it includes, as yours does, a guarantee. People will continue to get the benefit they have been promised. Only part of their benefit would be paid by the traditional system and part from real money. Our hope is, as you mentioned before, this is a first step. We need to move past the first step of saving the $775 billion and go back and get the Government to pay back what they have already borrowed from Social Security, invest that in those accounts and let them earn interest, and it grows. It is a large step toward solving the future problems of Social Security.

It is going to take several steps to fix it, but this is the most important first step. If we cannot stop spending Social Security on other things we cannot go to the American people and honestly tell them we have a solution, not if we cannot even stop spending it on something else.

Mr. SANTORUM. I would just ask the Senator from South Carolina, this bill has something to do with something else I hear a lot about, which is honest accounting. One of the things I hear a lot of my colleagues on the other side of the aisle talk about is that the deficit is really much bigger than the deficits reported because the Social Security surplus hides the deficit.

Will your bill cure that problem?

Mr. DEMINT. Only if we slow our spending as a government.

Mr. SANTORUM. Would it cure the problem of hiding the deficit?

Mr. DEMINT. It is definitely an honest accounting bill. Right now this money goes on the table and the Government secretly sweeps it away and spends it.

Mr. SANTORUM. And lowers the deficit as a result, correct?

Mr. DEMINT. Right. We are going to take it off the table and save it. So the whole point is, if you want to keep spending that money as a Congress, we are going to have to recognize it as debt and admit to the American people that we are spending more than we told them we were spending.

Mr. SANTORUM. So this is not just a Stop the Raid bill. This is a truth in accounting bill? This basically says: Here is how much money we are taking in. Here is the obligations that the Federal Government has with this money we are taking in. In fact, we are taking that obligation and realizing it, in other words putting it into an account that actually could pay that obligation. Is that correct?

Mr. DEMINT. Exactly right. We will also be honest about telling the American people we have not been saving the money, but we are going to start saving their money and we are going to figure out a way to go back and get what has been borrowed from Social Security and put it back so that Social Security will be there for your children and mine and our grandchildren.

Mr. SANTORUM. I thank the Senator from South Carolina for, not just the work he has done on the Stop the Raid bill, but I want to thank him for the other ideas he has put forward. He is one of three Senators on this side of the aisle who have put forward comprehensive bills, along with Senator SUNUNU and Senator HAGEL. They have put forth ideas to try to move the ball forward, down the field substantially. I will not speak for the Senator from South Carolina, but I think what he has realized is that the opportunity for us to do that this session of Congress is probably dramatically diminished. So we are both looking at trying to move the ball forward, trying to take a vital first step, or first two steps, in assuring the American public that those who are the most vulnerable, their benefits are safe; and for those concerned about the resources being there to be able to pay benefits in the future, we are going to make sure that money is set specifically aside and given to them to make sure that money is there and promised by the Federal Government to pay in the future.

By the way, the Senator from South Carolina is not the only one who has introduced comprehensive legislation. Over in the House, Congressman KOLBE, Congressman JOHNSON, Congressman SHAW, and Congressman MCCRERY on our side of the aisle have put forward comprehensive proposals on dealing with the long-term issues.

So we have made the case. We have worked hard to try to move this issue before the American public but have met a stonewall here on the other side. I suspect, unfortunately, tonight we will probably continue to see that stonewall appear when we ask for unanimous consent to move forward on this legislation. I will certainly make my commitment that this is an issue I feel very passionate about. This is a issue that is important to my State. We have the second largest percentage of seniors in our population. We have a little over 16 percent of our population who are people over the age of 65. That is second only to the State of Florida.

It is important for my State to have the peace of mind for my seniors. I always say we may have fewer as a percentage of our population, we may have fewer seniors than the State of Florida, but my seniors need Social Security more than those in the State of Florida because all my rich seniors moved to Florida. The folks who are still in Pennsylvania are getting through those tough winters, in some cases they need and rely on their Social Security benefits.

So as a Senator from Pennsylvania I will tell you that this is a high priority for me, to make sure that not only this generation of seniors gets the benefits they deserve but future generations of seniors get those benefits as well. I think this one-two of the Social Security Guarantee Act and the Stop the Raid bill will go a long way in helping create the atmosphere to get real long-term responsible reform of the Social Security system for future generations in place so they will have a strong and solvent system going forward.

I yield for the close to the Senator from South Carolina.

Mr. DEMINT. I say to the Senator, I know you want to make a motion. But it is important that you and our colleagues know what we are asking for. We are not asking to pass a bill tonight. We are asking to move the bill into the debate process so that the American people can find out more about where we are and how this Guarantee Act and this Stop the Raid Act can secure their future.

I yield back to the Senator to make the motion.

Mr. SANTORUM. I thank the Senator from South Carolina for taking the time to have this important debate. I appreciate the indulgence of the Democrat leader for his time.

What this unanimous consent will do, as the Senator from South Carolina has just stated—it will not be to pass the bill tonight. This is not an idea and we are just going to have unanimous consent and pass the bill. What we want to do is engage in a real debate about these two very important issues. So we are going to ask consent, at the time to be determined by the leader, to have a full debate. I am suggesting in this unanimous consent request that we have 10 hours of debate on both of these bills before we move forward and pass them, and obviously here in the next few weeks the chances of finding time to do that is going to be pretty limited. We will be happy to schedule it in January or February of next year so there is plenty of time for the American public to participate in this debate and to have a real discussion about whether we want to protect the benefits that are promised to those who are born before 1950 and whether we want to create the opportunity for honest accounting and for stopping the raid on the Social Security system, to make sure that money stays in the Social Security system and is there to pay benefits for the people who pay money into the system.

That is what this bill does. It stops the raid, it stops that money being used and taken by the Federal Government to pay for other programs and keeps that money—it is vitally important to understand—keeps the money in the system but creates an explicit debt of the Federal Government that

must be paid. It is a public debt. It is not one of these privately held little debt transfers from one pocket to another but an explicit debt that is owed to an individual. That is about as explicit as you can get. It is a debt that has your name on the assets—Treasury bills. It is vitally important to have that ownership because it guarantees a legal right to a benefit for those taxes that are being paid in excess of what we need to pay for the Social Security system.

I see the Democrat leader is here. I will propound the unanimous consent.

UNANIMOUS CONSENT REQUEST

Mr. President, I ask unanimous consent that at a time to be determined by the majority leader after consultation with the Democratic leader, the Finance Committee be discharged from further consideration of S. 1750, the Social Security Guarantee Act of 2000; provided further that the Senate then proceed to its immediate consideration and there be 10 hours for debate equally divided in the usual form, no amendments or motions be in order, and that following the use or yielding back of time, the bill be read a third time, and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

I further ask unanimous consent that following that vote, the Finance Committee be discharged from further consideration of S. 1302, the Stop the Raid on Social Security Act of 2005, and the Senate then proceed to its consideration; provided further that there be 10 hours of debate equally divided in the usual form, no amendments or motions be in order, and that following the use or yielding back of time, the bill be read a third time and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER (Mr. CHAMBLISS). Is there objection?

Mr. REID. Reserving the right to object, Mr. President, first of all, I will say regarding S. 1750, I will use different words than the distinguished ranking member of the Finance Committee, the Senator from Pennsylvania. My words are as follows: This legislation is a sham, s-h-a-m. Social Security benefits are guaranteed today in the United States Code, the law of the land. To meet that legal commitment, we are saving enough in Social Security to pay full benefits for a long time into the future. The only threat to that guarantee is posed by Republicans who want to undermine Social Security, slash benefits, and privatize the program.

I object to S. 1750.

I reserve my right to object to S. 1302 as follows:

Mr. President, I heard my friend, the distinguished Senator from South Carolina, talk about raiding the Social Security trust funds. This message should be delivered at 16th and Pennsylvania Avenue. During the Clinton years, remember, we weren't doing that. We weren't using the Social Security surplus to mask the deficit. So he should direct those remarks to this administration.

Do not be fooled. This is simply another bill to privatize Social Security. The American people have already rejected this tired approach, and for very good reason. Just like President Bush's privatization plan, the DeMint bill would require deep cuts in benefits and a massive increase in debt. Under the bill, those who divert funds into privatized accounts would have their benefits cut automatically through a privatization tax—even if the value of their account has collapsed. The bill would also require $1.7 billion in additional borrowing over the next 20 years. The bill would do nothing to strengthen Social Security—quite the contrary—and it certainly wouldn't extend the program's solvency. In fact, diverting money from the trust fund accelerates insolvency and makes matters worse.

Despite the claims of its proponents, this bill itself amounts to a massive raid on Social Security and would cut the funds available to pay guaranteed benefits. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SANTORUM. Mr. President, if I may address just briefly the comments made by the Democrat leader before I propound one final unanimous consent request, the Senator from Nevada suggested that there is a legal right to Social Security benefits in the law. The fact is that a Supreme Court decision—Nestor v. Fleming, 1960—said that ''Americans have no legal right to their Social Security benefits.''

While the Senator from Nevada can say those rights are guaranteed, there may be, certainly, a claim on those benefits, and the claim is a political one for anyone in Washington, DC, who would try to change those benefits. But there is no legal right in the law to payment of those benefits. There is no guarantee in the law to the payments of those benefits. The Supreme Court has said so. This would change that.

This particular group of retirees that is being frightened that somehow or another any change in Social Security will mean their benefits are going to be reduced—even for those who are in retirement at this point—we want to take that tactic as well as the fear that goes with it off the table for our seniors and near-term seniors.

With respect to the Stop the Raid bill, the characterization that that bill somehow is taking money out of the Social Security system, I think I made it very clear in the discussion, the fact that the bill is crystal clear with respect to the money that is going into these personal accounts is invested in Treasury bills. They are obligations of the Federal Government and will be used to pay benefits to the extent that is humanly possible. This money is legally bound to the individual who put the money there, and they have their name on this account. They own the Treasury bills that are in that account. That is about as rock-solid a commitment to pay benefits—more rock-solid commitment than promises by future generations of politicians who do not pay them.

When you have an obligation of the Federal Government with your name on it, that is a pretty good obligation and it would require a default of the Federal Government not to have it paid, as opposed to Social Security benefits in a Social Security trust fund, which is a promise to pay by future generations of politicians. I suggest that this idea that somehow or another this would cut benefits—in fact, you could make the argument that the benefit created by these accounts is the only real guaranteed benefit that an individual has going forward in the system. Nevertheless, the Democrat leader objected, and I certainly respect that.

I will make one last attempt to see if we can get an agreement on just one bill.

I remind Members here that earlier this year, in March, we passed the resolution that every Member of the Senate—Democrats and Republicans, all 100 voted for—which said that Social Security reform must protect full-term and near-term retirees—I will underscore that, italicize it—from any changes to Social Security benefits. This bill accomplishes what we voted for.

I assume we voted for it because we thought we needed to communicate a message—that it was important that we wanted to communicate a message—to the American public that we meant this, that we actually believed we should not do this. And the way to accomplish that, contrary to what the Senator from Nevada said, is to put a guarantee in law.

Mr. President, I renew my request just for S. 1750, the Social Security Guarantee Act. I can ask unanimous consent, but it is identical to the request which I read earlier.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, first of all, understand that when the Constitution was written, it didn't talk about Social Security in the Constitution. But we in Congress have given Social Security to the American people. We did it back in the 1930s under the direction of Franklin Roosevelt. That is the Court decision to which my good friend referred. The Court didn't question Americans' rights to Social Security benefits. In effect, the Court said Congress can change the law if it chooses. But there is no question that under current law, Americans do have a legal right to the benefits they have earned. There is no question about that.

I simply say that these are some of the old arguments—I guess the President is out of town, and they dug up some of his old stuff and brought it up to Capitol Hill today—the old stuff on

Social Security that the American people have determined is not good for them. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have listened with some interest and curiosity over in my office to this fascinating discussion about Social Security, especially the chart about the trust fund.

I would like to take my colleagues on a short visit back to the year 2001 when, in fact, we had surpluses. The surpluses came from a fiscal policy that looked truth straight in the eye and put this country back on track. Big budget surpluses were beginning to develop, and my colleagues on the other side of the aisle said: You know something, even before these surpluses exist, for 10 years let us pretend they do, and let us start getting rid of the money and give big tax cuts, most of which will go to wealthy Americans, by the way. And now we end up years later with very large deficits.

We will borrow $550 billion this year. My colleague seems surprised by that. Somehow it didn't work out quite the way it was supposed to, and somebody is now using the Social Security trust fund.

Interesting. I know who is using the trust funds. It is when the President sends a budget down here with the biggest deficit in history, and he is taking Social Security trust funds to finance the tax cuts. Yes. He is taking money from Uncle Harold and Aunt Gladys to provide some of the biggest tax cuts ever given to the wealthiest Americans. That is the fact. Everybody is entitled to their own opinions in this Chamber. Not everybody is entitled to their own set of facts.

I wish to spend a little time talking about the history because I think it is important for people to know. There are important statistics, useful statistics, truthful statistics.

I remember I was at a town meeting once, and I used kind of a throwaway piece of information. An old fellow in the front row stood up. I said to this group of senior citizens: Do you know that there are 4 women for every man over the age of 85 living in the United States? Some old codger in the front row got up, leaned forward on his cane, and said: Young man, that is the most useless statistic I have ever heard given.

Well, there are useless statistics and then good statistics. There is the truth, and then there is stretching the truth.

Let me talk a moment about where we find ourselves and why. What fascinated me is these charts coming from people who want to take apart the Social Security system, the chart that comes to the floor this evening that suggests somehow they are the ones that really support this.

I will tell how the Social Security system got started and supported—a man named Franklin Delano Roosevelt.

By the way, when he died, there was a poignant story written about the long lines of people waiting to see the body of Franklin Delano Roosevelt then lying in State. It was written that a news reporter walked up to a man, a working man who had waited hours in line with his hat in his hand, and the reporter, as this man was waiting to file past the coffin of Franklin Delano Roosevelt, said to this fellow: Did you know the President? Do you know Franklin Delano Roosevelt? This man said: No. I didn't, but he knew me. He knew me.

What he meant is this President knew the American people, knew and understood working men and women, cared about retired folks.

Yes. He knew me.

It was under this President that we decided to stop what was happening with senior citizens in this country. They reached retirement age—and at that point one-half of the senior citizens in America were living in poverty. They reached that age where their incomes declined, they could no longer work, and one-half of them were living in poverty in this country, this great country.

Franklin Delano Roosevelt and others said, We can do better than that, we can do something about that, and created Social Security. Controversial? You bet your life it was controversial. There were some in this Chamber who said it is socialism, it is going to wreck this country, it is going to throw this country into bankruptcy. Guess what. Now less than 10 percent of our senior citizens live in poverty; 90 percent of them don't. Do you know why?

Social Security. The word ''security'' means something. It is there. It is what they can count on when they retire. We have folks all around this Senate, particularly the other side, who think we should privatize it, take it apart. Some of them never liked it. Take it apart and privatize it and stick it in the stock market, in fact.

There are a lot of people in this country who rely on Social Security, whose lives are enriched and made better by Social Security. There aren't perhaps many in this Senate who understand its value because perhaps none here will find themselves at the end of their income-producing years having to rely only on Social Security. I know plenty of people who do. I wish more people understood the consequences of that in this Senate.

Someone once asked a question: If a person died and you knew nothing about them, had never met them, and you only had their check register as a piece of information about their life, what could you write as an obituary about that person? What would a check registry tell you about a person you have never met if you had to write the obituary? It would tell you plenty. What did they think was important? What did they spend money on? What were their investments? How did they live their life?

The same can be said of a country. Look at what we do, what we think is important, what we invest in, what we spend money on. It will tell something important about the character of this country. What do we support? Do we support the fundamental promise of Social Security? Do we stand for it and believe in it? Do we believe it has strengthened this country?

I see Members serving who do not believe that. They come to the Senate with big charts, save the Social Security trust fund. Really? Perhaps the time to have thought about that was when they were called on to vote in the Senate and they decided to provide very substantial tax cuts for the highest income Americans with money we did not yet have. And now we have very large Federal budget deficits.

Let me give a couple statistics. Twenty years ago American corporations paid one-sixth of our income taxes. Twenty years later, they are bigger, much bigger, and more profitable, and they now pay one-tenth of this country's income taxes. Guess who makes up the difference. Yes, real people.

Let me give another statistic. There are 400 Americans who are the wealthiest Americans—who file income tax returns, in any event—and their average yearly income is $110 million. About 8 years ago their tax rate was 30 percent to the Federal Government. Now it is 22 percent. It has dropped nearly 25 percent. I am talking now about the wealthiest of all Americans, those who have been most generously treated by this country, many of whom are brilliant, I am sure. They make a good deal of money. Good for them. I hope they expect and want to pay taxes to pay for the common needs of this country—defense, roads, bridges, education; you name it.

The point is, those very people who now say they are the ones who care about the trust fund of Social Security are the ones who voted to be able to take money out of the Social Security system, take money out of the Social Security trust fund so they can provide a tax cut for somebody who gets $110 million a year in income.

It is unbelievable. Just own up to it, in my judgment. If that is what you did, own up to it. Do not bring a big chart to the Senate saying save the trust fund. There was a time to save the trust fund, and you did not do it.

Let me take you back to 1993. This country inherited then the biggest debt, which is now small by comparison from the first President George Bush. I recall that President Bush came to office and he proposed a very controversial fiscal policy. It was cut some spending, it was raise some taxes. It raised taxes, by the way, on the wealthiest Americans. But it was tough. It was a hard vote for a lot of Members. Incidentally, in this Senate, when the roll was called—because we were off track and headed down the wrong direction with budget deficits

that were increasing that had now reached the highest level in history—when the roll was called, there wasn't one Member of what is now the majority party, not one Member in the Senate of that side of the aisle who was willing to vote for it. It passed by one vote. A new fiscal policy, a new direction got one vote—One vote in the Senate and one vote in the House.

Guess what. With all of that controversy—and man, there was plenty—8 years later, we were on track. Instead of having record Federal budget deficits, we had no budget deficits. We had surpluses. Those budget surpluses gave us the opportunity to begin putting this country on a solid foundation, a solid financial foundation for Social Security and for many other needs. The estimate was we would have surpluses as far as the eye could see. In fact, Alan Greenspan, who is about to retire as Chairman of the Federal Reserve Board, was worried we would have too much of a surplus. I remember what he said because I thought—I know he is not a drinker so I was trying to figure out where this came from. He said: I worry we are going to pay down our debt too fast.

Oh, really? Where does that worry come from? Do you have a crystal ball, a strange-looking sort of crystal ball? He was an enabler. As an enabler, he gave permission, gave aid and comfort to the majority that said, you know what, let's take surpluses for the long term that do not yet exist, that are simply projections, and decide we will give them away in the form of tax cuts tilted toward the wealthiest Americans. And they did. So here we are, now 5 years later, borrowing $550 billion this year to this country's debt.

The other day I went through the speeches I made at that time. I said, what if something happens and we do not get the surpluses, if there is an unforeseen event? Should we be a bit conservative? Don't worry, the sky is the limit. Things are fine. Be happy.

So what happened? They passed their big tax cuts tilted toward the wealthy Americans and then all of a sudden we had a recession. Then we had a terrorist attack; a war in Afghanistan; a war in Iraq; natural disasters. Things went off track. Now we have very large Federal budget deficits.

Then we are told, one of the ways to deal with that is to privatize Social Security. The President said, I am taking Air Force One, I am getting that old plane up and I am going across this country. I am going to sell this program. Privatize Social Security. And it did not sell. It did not sell. Because people know better. The word ''security'' means something to people. Social Security works. It has worked for decades, and it will work for decades to come.

One of my colleagues says the genesis of this notion of privatizing Social Security is the phrase ''we're all in this alone.'' But in fact we are not. As a country, part of the genius of Social Security is to understand we are all in this together. We have real challenges to try to hang on to the Social Security system with a President who wants to privatize it, with Members of the Senate who come to the floor with big charts talking about raids on Social Security.

I didn't bring a chart tonight because I wasn't aware we were going to talk about raids on Social Security. But I would love to give a history lesson on who has been raiding Social Security. Paint that money purple and I will point you to the purple pockets in this Senate. I will tell you who has been raiding Social Security funds right along. It is a fact that hooking up a pipe to the Social Security trust fund, hook up the pipe on one end and hook it to pockets at the top of the income ladder for corporations, because that is where the money is going—big, old tax cuts.

The philosophy is trickle down. Pour it in on top and somehow it all trickles down and even the people at the bottom are helped. One day a fellow said to me, I have heard about this trickledown for 8 or 10 years and I ain't even damp yet.

I happen to think there is a better approach called ''percolate up.'' Give the American families something to work with, good jobs and an economy that expands opportunity, and things do pretty well in this country.

It is fascinating to watch this discussion, especially given the history of where we have been in recent years, a discussion about people who have embraced a fiscal policy that has injured the foundation of this country's finances, who now suggest they are the ones who want to protect Social Security. That is a curious thing to watch. It is a little like an illusion in an amateur magic act. It is an illusion that is attempted, but you can see all the moves so it does not look like magic, does it?

My understanding is the President has now parked Air Force One, at least with respect to Social Security, and has decided not to continue to try to push that. My hope is that we as a Congress will decide, Republicans and Democrats together, that Social Security is something worth saving. Should we stop the raid on the trust fund? You bet your life we should. We have been trying to do that for a long time. But those who aid and abet the raid on the trust fund by hooking that hose up to the trust fund and giving it out in big tax cuts do no favor to senior citizens.

This country has many challenges. It will not be made a better country by taking apart the Social Security system. Let me say those who come to the Senate and say the Social Security system is broken, it is bankrupt, it is busted—in fact, President George W. Bush said in 1978 when he ran for Congress, Social Security is busted and it will be bankrupt in 10 years, so we have to privatize it. That was in the year 1978, which tells you this is not about economics, it is about philosophy. Those who say Social Security is bankrupt or busted should remember this: Social Security will pay full benefits under every circumstance without any alteration or any change of any type until George W. Bush is 106 years old. That is hardly a crisis.

People are living longer and healthier lives. Does that mean we have to make some adjustments in Social Security from time to time? You bet. Of course we do. We have, and we will. But the basic framework and promise of Social Security, if we have the people with the courage and strength in this Senate to protect it, will be there for the next century and the century beyond.

I understand part of the success of Social Security and Medicare in our country has been the increased longevity of people living longer. I have spoken of my Uncle Harold before in the Senate. My Uncle Harold did not discover he could run until he was 72 years old. But at age 72 he went to these State meets where you have races in various events for people of different ages. He discovered there was a category age 70 and above. He entered three races. He entered the 400 meter, the 800 meter, and the 3K. He entered three events. The first time he and his wife Evelyn took the RV and parked it and he entered three races at age 72. He won all three easily. And he thought, this is amazing. I am faster than people my age. So pretty soon he started going elsewhere to run. He went to Minnesota. He entered the Minnesota Senior Games Races. He went to South Dakota. He entered South Dakota races. Pretty soon he was running in California, running in Arizona. He became a 400 meter specialist, and at age 82 my uncle had 43 gold medals and can probably outrun about 80 percent of the Senators—at age 82.

People live longer, healthier lives. Thirty years ago he would have been on a Lazy Boy because at age 65 you are supposed to retire, get a Lazy Boy recliner, and stay at home—and do not drive, by the way. Things have changed. People are leading active, wonderful lives. That is born of success, success by increasing the longevity of the American people. My Uncle Harold is one example of that.

Are there some strains on Social Security and Medicare from time to time? Yes, a few. Nothing we cannot handle, and nothing that would justify anybody coming along and saying, by the way, let's take Social Security apart. That is a philosophy rooted half a century ago. It is one that those who never liked it cannot seem to overcome.

There was a fellow at a meeting I held some months ago with Senator REID, the minority leader. At the end of this meeting on Social Security, this old fellow, in his eighties, blind, aided by someone walking beside him holding his arm, came up to me and he said: I am old, I am blind, and Social Security is the only thing I have. This 80-

plus-year-old man came to that meeting just to deliver that message: I am old, I am blind, and Social Security is the only thing I have.

It is so important. This is not just some usual debate. This debate about Social Security is about who we are as a country; about whether we will stand up for things that matter; whether we are going to stand up for people who have lived their lives in this country and helped build America and now reach declining income years and are told they can count on Social Security. Yes, they can count on it, as long as we don't let those who come along and decide they want to privatize it begin to take it apart because they never liked it in the first place.

Mr. President, I see my colleague is waiting to speak. I was not even intending to come over until my attention was piqued by a big, old sign that said, ''Stop Raiding Social Security Trust Funds,'' and I thought: Well, that is a curious message from those who supported a fiscal policy that helped drain the trust funds in the first place. I thought I would mention that and talk a little about how important this Social Security fight has been and why the American people—not the Congress, why the American people—have said no to the President and others who want to privatize this important program.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Michigan.

Ms. STABENOW. Mr. President, I join my colleague in coming here to speak for a moment about Social Security. Just as my esteemed colleague from North Dakota said he had not originally intended to speak tonight, I did not intend to speak as well. But for all of us who are so proud of the great American success story called Social Security, and for all of us who understand how it does represent the best about us, we want to have an opportunity to say that tonight because there has been a lot of misinformation, unfortunately, I believe, a mischaracterization on the other side of the aisle.

The fact is, Social Security is based on what is best about us: You work all your life. You pay into a system. And then you know you have dignity in your retirement. You also know, because this is really an insurance policy, that if you become disabled, Heaven forbid, Social Security can step in for you, for your family. If the wage earner in the family loses their life, Heaven forbid, their children, their spouse are able to receive assistance to be able to help them from moving back into poverty, because it is an insurance system. It is basically an economic insurance policy. And it has been one of the great American success stories.

The reality is, without Social Security, about 48 percent of those who are now on Social Security would be in poverty. Today, with Social Security, about 9 percent of older Americans and the disabled are in poverty. We know this number needs to be lower. But this is a great American success story.

At a time when there is so much upheaval in so many people's lives—I know in my home State of Michigan, my great State of Michigan, there are so many families today that feel the rug is being pulled out from under them because the jobs they have had and worked hard at all their lives are either going overseas or they are being told they are going to have to work for $9 or $10 an hour. Their health care costs are going up or maybe they are losing their insurance. Their pensions are threatened or maybe gone because of the bankruptcies of companies that have then dumped the pensions into a pension guaranty fund.

With all of this insecurity and challenge families face in fighting to keep the American dream and the American way of life, the one constant we have had is knowing that there is Social Security, that we have paid into a system, and that it will be there for us. There is absolutely no reason that Social Security will not be there for us, as long as we do not privatize it or undermine it, as has been proposed by colleagues on the other side of the aisle.

We are in a situation today where Social Security and the security of Social Security is needed more than ever. I will never forget talking with a group of people who were mid-level executives at Enron—I know, unfortunately, this story can be told and will be told across Michigan as well—folks who worked all their lives, invested in the company, as they were told to do, did all the right things, they are near retirement, and now it is gone.

One gentleman, with tears in his eyes, said to me: Thank God for Social Security; that is all I have left. Too many Americans find themselves in that situation now. I believe we should be doing something about that as well. Earlier this evening, I spoke on the floor about what we need to do to turn that around: enforcing trade policies, changing the way we fund health care, investing in education and innovation, protecting the pensions of those who have worked hard all their lives. But the reality is, Social Security is a very important part of that picture.

Now, it is a value as well as a program. It represents what is best about us. And we have choices about whether we want to keep it secure and keep it as a priority. Back during the budget debate this year, our ranking member, Senator CONRAD, and I offered an amendment to secure Social Security first before going on with other tax cuts that have been proposed for those most blessed in our country, those, in fact, who do not have to worry about whether Social Security will be there for them.

We indicated, as you can see by looking at this chart, that in order to keep Social Security secure for the next 75 years, it will cost $4 trillion. That is compared to the President's tax cuts: If they are made permanent—the overwhelming majority of them going to the top ''incomers,'' those most blessed economically in our country—it will cost $11.6 trillion, if we decide as the majority, our Republican colleagues, appear to be doing, to extend these tax cuts permanently.

If we instead were to say, wait a minute, we are going to fully fund Social Security first before any of this happens—even if we said to those most blessed in our country, instead of $11.6 trillion in tax breaks, let us take $4 trillion off of that—they would have $7.6 trillion. It seems to me, at a minimum, that would be a choice worth making in order to make sure every single American knows that Social Security is secure.

All of the decisions we make in this Chamber are based on our values and our philosophy. Social Security represents our basic belief that we are in it together as a country, that it does matter what happens to other people. We are not in it alone.

I believe the efforts being proposed on the other side of the aisle represent a very different philosophy that says: You are on your own, buddy, unless you are our buddy.

The reality is that Social Security represents a value that says we are in it together and that together America can do better. That is what Social Security is about. It has worked. It has proved the philosophy that together America does better.

So I am hopeful our colleagues will choose, in the waning days of this session, to move on to join us in the great debate of keeping American jobs in America, supporting our American businesses, our American manufacturers that need our help now, and making sure we have a pension bill that works for all of our businesses and all of our workers, showing that we value and want to make sure the promises of pensions, which so many workers have paid into all of their lives, are kept. Let's work on that rather than undermining a great American success story called Social Security.

DAVID GUNN

Mr. MCCAIN. Mr. President, last week the Amtrak Board of Directors voted to remove Antrak's president, David Gunn. I think that action is regrettable, and I commend Mr. Gunn for his leadership during his 3½ years at Amtrak's helm.

Amtrak has always been a money-losing proposition. I am afraid that it may always be so. But no one should hold Amtrak's, president accountable entirely for this fact. Congress and the administration are also accountable. Despite repeated efforts to reauthorize and reform this money-losing proposition, we have not had the collective will to make the hard decisions that need to be made to finally turn Amtrak around—and that includes altering

Amtrak's route system so that it operates where it actually attracts ridership.

I have known many of Amtrak's presidents over the years and in my judgment, David Gunn was one of the most capable. Not only did he hold an impressive and lengthy career in the rail industry prior to coming out of retirement to take the Amtrak job, I found him to be a man of integrity.

When he testified before hearings I chaired in the Senate Commerce Committee, Mr. Gunn didn't mince words. When I first asked him about the so-called ''glidepath to self-sufficiency'' which his predecessor continually touted, David Gunn didn't hesitate to inform the committee that it was a sham.

Mr. Gunn and I didn't always see eye-to-eye. Indeed, I disagreed strongly with his unyielding views about the continuation of Amtrak's long distance trains. But I respected the fact that he always spoke his views even when it meant he wouldn't be telling people what they wanted to hear. He faced head on the many problems with Acela and he was committed to getting Amtrak's escalating costs under control. Again, he is a man of integrity and I commend him for his service.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On January, 25, 2000 in New York City, NY, Melissa Hart had just left a local hotel when eight men threw her to the ground and attacked her. One of the assailants held Ms. Hart by her throat and beat her head against the sidewalk, while the other assailants beat her with their fists. The attackers stripped her of her coat, and stole her cell phone and approximately $350 from her purse. According to police, the motivation for the attack was that Ms. Hart was a transgender person.

I believe that our Government's first duty is to defend its citizens, in all circumstances, from threats to them at home. The Local Law Enforcement Enhancement Act is a major step forward in achieving that goal. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

FISCAL YEAR 2006 ENERGY AND WATER APPROPRIATIONS

Mr. FEINGOLD. Mr. President, although I recognize the important programs funded by the fiscal year 2006 Energy and Water appropriations conference report, on balance, I could not support the bill. The conference report provides $50 million in funding for the Department of Energy to develop a plan for reprocessing spent nuclear fuel and to select sites suitable for housing reprocessing facilities. This provision was not in the Senate version of the bill and thus was not debated in the Senate. Because reprocessing raises serious environmental, fiscal, and proliferation concerns, this provision should have, at the very least, been the subject of an open and extensive congressional debate before we simply proceeded down the path directed by the report language.

I am also concerned that the Energy and Water appropriations report extends the authorization of funding for the Animas-La Plata project. This extension of funding authorization—which does not belong in an appropriations bill—is contrary to assurances I received in 2000 when the Colorado Ute Indian Water Rights Settlement Act was amended.

NATIONAL AMERICAN INDIAN HERITAGE MONTH

Mr. JOHNSON. Mr. President, I rise today to announce the beginning of National American Indian Heritage Month. This November we will honor the achievements made by American Indians and Alaskan Natives throughout the history of our country.

For many years, Native Americans strived for an official recognition of their people. The first observance of a day celebrating the contributions of American Indians occurred on the second Saturday of May 1916 in New York State. In 1990, Congress, with my support, passed a joint resolution declaring November 1990 as National American Indian Heritage Month, dedicated to appreciating the impact of Native Americans on the foundation and development of our Nation.

Rooted in the history and culture of South Dakota, as well as the United States, lies the steadfast influence of the Native American people. The Great Sioux Nation of South Dakota consists of nine separate tribes, the Cheyenne River Sioux, the Crow Creek Sioux, the Flandreau Santee Sioux, the Lower Brule Sioux, the Oglala Sioux, the Rosebud Sioux, the Sisseton-Wahpeton Oyate, the Standing Rock Sioux, and the Yankton Sioux. I would like to pay tribute to the more than 62,000 Native Americans in South Dakota and the Native Americans throughout our country whose presence and traditions have enriched our communities.

With the commencement of National American Indian Heritage Month, we have been given an excellent opportunity to educate ourselves about the cultural and historical influence of American Indians and Alaskan Natives. In November, I encourage everyone to join South Dakota in our reverence of Native Americans with the hope that our Government can continue to make the concerns of American Indians a priority and to ensure that their freedoms and way of life are preserved.

ADDITIONAL STATEMENTS

HONORING PAULA YEAGER

● Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of a great woman, Paula Yeager, who died last Wednesday after a long battle with cancer. For 6 years, Paula served the State of Indiana as the executive director of the Indiana Wildlife Federation, IWF. She was a true conservationist, a dedicated public servant and a wonderful mother. Her colleagues, friends, and family will miss her dearly, and I know that sentiment is shared by countless others across Indiana and the country.

A career travel agent, Paula first applied for a job with the IWF in order to work on meaningful issues—a decision influenced by her experience with breast cancer. During her 6-year tenure with the group, Paula overcame her relative inexperience and became a successful activist in conservation issues through hard work, an unwavering commitment to diplomacy and tireless advocacy. As executive director, Paula mended the State federation's relationship with the National Wildlife Federation, NWF, improved the group's profile with lawmakers, and confronted many important issues, including mercury contamination and wetlands preservation.

Her ability to unite people with differing interests earned her a reputation for diplomacy, and that effort paid off when the Indiana Department of National Resources, IDNR, banned fenced deer hunting in August. The former IDNR director called Paula the person ''most responsible in Indiana for leading the effort to ban canned hunting.''

Honored twice with the IWF's Presidents Award, Paula was named the Conservationist of the Year in 2001 by the IDNR, and this past summer the NWF recognized Paula with their Conservation Service Citation.

There is a saying that life is not about what you take out of it but what you put back in. Paula lived that sentiment to the fullest. Her work made Indiana a better place to live for all of us. For that, we will always be grateful to the courageous travel agent who decided it was time to make a difference through the IWF.

Indiana lost a great citizen last week. It is my sad honor to enter the name of Paula Yeager in the RECORD of the Senate for her service to Indiana.●

TRIBUTE TO DR. SCOTT MASON ROULIER

● Mrs. LINCOLN. Mr. President, today I rise to pay tribute to a great educator and a great Arkansan, Dr. Scott Mason Roulier. Dr. Roulier is being honored as the 2005 Arkansas Professor of the

Year by the Carnegie Foundation for the Advancement of Teaching and the Council for Advancement and Support of Education, CASE.

Dr. Roulier, Associate Professor of Political Science, is the 12th professor from Lyon College, in Batesville, AR, to receive this honor.

This tribute is in recognition of Dr. Roulier's dedication and hard work in the areas of government and politics in laying the framework for our Arkansas undergraduate students to be successful in their careers. He is teaching his students the value of political action and involvement in current events as it relates to local, State and Federal government.

Higher education is an essential element of any effort to prepare our workforce to meet the demands of today's global marketplace. I share Dr. Roulier's commitment to education and join him in encouraging more students in Arkansas and around our great Nation to pursue a college education.

Congratulations, Dr. Roulier, and thank you for your dedication and contribution not only to Lyon College but also to shaping the minds of our future leaders.●

TRIBUTE TO STEVE PILCHER

● Mr. BURNS. Mr. President, I would like to take a moment today to honor Steve Pilcher, a leader in the Montana livestock industry. At the end of this year, Steve will retire from his years of service as executive vice president of the Montana Stockgrowers Association. His service will be missed, but the values and leadership Steve brought to the organization will continue on.

Many American children grew up with the Saturday Western matinee as the high point of their week. The ideals shared by those men in their white Stetsons were strong, moral, and enduring. There were some great rules to live by that were shared by the cowboys on the Silver Screen.

Steve took every one of those lessons to heart. He not only believes in the ''Code of the West'' those cowboys shared with us, he continues to live it, both in his personal life and his professional life.

Hopalong Cassidy had a Creed for American Girls and Boys. The first rule in his creed was, ''The highest badge of honor a person can wear is honesty, be mindful at all times.'' Regardless of the fallout, Steve does not believe in bandying the truth. He is always a square shooter. He has taken the heat many times for standing by the truth, but Steve is a man of honor. He knows the truth is worth whatever adversity it brings from others who do not feel the same way.

Gene Autry offered the Ten Commandments of the Cowboy. The first commandment said, ''A cowboy never takes unfair advantage.'' Steve has always worked hard to prove that the ranchers in Montana expect only what they earn. He knows that you have to work those extra hours to make sure things are fair. Nothing is given to you.

Also, there was the Lone Rangers Creed. Perhaps the part Steve took to heart the most was, ''God put the firewood here but every man must gather and light it himself.'' There is no doubt Steve Pilcher has been gathering the firewood for the Montana Stock-growers. He has worked tirelessly for this industry and I know he will continue to light that fire.

As we recognize Steve Pilcher for his major contributions to not only Montana's livestock community but the Nation's, there is one more thing that I must add: Happy Trails my friend, until we meet again.●

HONORING A GREAT IDAHOAN

● Mr. CRAPO. Mr. President, I would like to offer a few words today recognizing the full and joyful life of a remarkable Idahoan, Robert Bershers. Although Bob and his wife Louise traveled extensively, Idaho was home. He lived and worked in Coeur d'Alene where he was active on the Kootenai County Fair Board from 1983 to 2001, and he owned and operated a successful construction business for many years. Bob lived vigorously, enjoying the life of a businessman and rancher and, according to his daughter Khris, was the kind of man ''whose idea of going to the fair was getting there on Wednesday just before it opened and staying through the last spin of the ferris wheel on Sunday.''

North Idaho was the home of his heart—from the chilly, grey and wet winters to the warm and bright summer days in the mountains and by the lake; he and Louise never stayed away too long. But for Bob, it was Idahoans who made our State truly great. According to his family, Bob loved Idaho because people take the time to be friendly. And Bob not only loved that in others, he lived it himself, taking in those in need, either four-footed or two. Louise reminisced recently that when his children were still at home, the house had a revolving door of kids and animals, all finding refuge in their home when they needed it most.

Bob never failed to tell his children and family that he loved them. Indeed, his unfailing dedication to family and community are true measures of a good and honorable man. Bob will be sorely missed by all who knew him, but those same people will carry on the blessings his life brought to them.●

REPORT OF THE INTENTION TO ENTER INTO AN AGREEMENT WITH THE EUROPEAN UNION, JAPAN, THE REPUBLIC OF KOREA, AND TAIWAN ON TARIFF TREATMENT FOR MULTI-CHIP INTEGRATED CIRCUITS—PM 31

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Consistent with section 2103(a)(1) of the Trade Act of 2002, I am pleased to notify the Congress of my intention to enter into an agreement with the European Union, Japan, the Republic of Korea, and Taiwan on tariff treatment for multi-chip integrated circuits. Multi-chip integrated circuits are semiconductor devices used in computers, cell phones, and other high-technology products.

United States-based companies are the principal suppliers to the world of multi-chip integrated circuits. In 2004, global sales of finished multi-chip integrated circuits were estimated to be $4.2 billion, and U.S. semiconductor companies account for roughly half of those sales.

The United States, the European Union, the Republic of Korea, and Taiwan will apply zero duties on these products as of an agreed date. The target date for entry into force of the Agreement is January 1, 2006. Japan already applies zero duties on these products and expects to ratify the Agreement formally in 2006. Further, although all major producers of multi-chip integrated circuits will be parties. to the Agreement, we will seek to build on this Agreement by joining together to work in the World Trade Organization to increase the number of countries granting duty-free treatment to these products.

GEORGE W. BUSH.

THE WHITE HOUSE, *November 14, 2005*.

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:20 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2419. An act making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

At 4:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 161. An act to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership.

The message also announced that the Speaker appoints the following member as an additional conferee in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3199) to extend and modify authorities needed to

combat terrorism, and for other purposes:

As an additional conferee from the Committee on the Judiciary, for consideration of the House bill (except section 132) and the Senate amendment, and modifications committed to conference: Mr. DANIEL E. LUNGREN of California.

Ordered further, that the Speaker appoints the following conferees in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3199) to extend and modify authorities needed to combat terrorism, and for other purposes, in lieu of their appointments on November 9, 2005:

From the Committee on the Judiciary, for consideration of the House bill (except section 132) and the Senate amendment, and modifications committed to conference: Mr. NADLER and Mr. SCOTT of Virginia.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2008. A bill to improve cargo security, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4627. A communication from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Review Inspection Requirements for Graded Commodities'' (RIN0580–AA89) received on November 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4628. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Pears Grown in Oregon and Washington; Control Committee Rules and Regulations; Correction'' (Docket No. FV05–927–2) received on November 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4629. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Regulations Governing the California Clingstone Peach (Tree Removal) Diversion Program'' ((RIN0581–AC45) (Docket No. FV05–82–01 FR)) received on November 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4630. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Domestic Dates Produced or Packed in Riverside County, California; Increased Assessment Rate'' (Docket No. FV05–987–1 FR) received on November 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4631. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''S-metolachlor; Pesticide Tolerance Technical Correction'' (FRL No. 7741–7) received on November 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4632. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sulfosulfuron; Pesticide Tolerances for Emergency Exemptions'' (FRL No. 7740–1) received on November 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4633. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Flucarbazone-sodium; Time-Limited Pesticide Tolerance'' (FRL No. 7740–8) received on November 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4634. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''2-Bromo-2-Nitro-1,3-Propanediol (Bronopol); Exemptions from the Requirement of a Tolerance'' (FRL No. 7743–5) received on November 14, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4635. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Assets for Independence Program—Status at the Conclusion of the Fifth Year''; to the Committee on Health, Education, Labor, and Pensions.

EC–4636. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Immunology and Microbiology Devices; Classification of Cystic Fibrosis Transmembrane Conductance Regulator Gene Mutation Detection System'' (Docket No. 2005P–0397) received on November 14 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4637. A communication from the Assistant General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''$5,000 Exemption for Disbursements of Levin Funds by State, District, and Local Party Committees and Organizations'' (Notice 2005–26) received on November 14, 2005; to the Committee on Rules and Administration.

EC–4638. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–4639. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, the report of proposed legislation entitled ''Intellectual Property Protection Act of 2005''; to the Committee on the Judiciary.

EC–4640. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Low-Income Housing Credit Allocation and Certifications; Revisions'' ((RIN1545–BE50) (TD 9228)) received on November 14, 2005; to the Committee on Finance.

EC–4641. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Extension of Time for Filing Returns'' ((RIN1545–BE63) (TD9229)) received on November 14, 2005; to the Committee on Finance.

EC–4642. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Annual Pension Plan, etc., Cost-of-Living Adjustments for 2006'' (Notice 2005–75) received on November 14, 2005; to the Committee on Finance.

EC–4643. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update Notice—Pension Funding Equity Act of 2004'' (Notice 2005–72) received on November 14, 2005; to the Committee on Finance.

EC–4644. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General Robert H. Foglesong, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–4645. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a list of 11 officers (beginning with Angelella and ending with Wells) authorized to wear the insignia of the grade of brigadier general; to the Committee on Armed Services.

EC–4646. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the San Miguel Island Fox, Santa Rosa Island Fox, Santa Cruz Island Fox, and Santa Catalina Island Fox; Final Rule'' (RIN1018–AT78) received on November 14, 2005; to the Committee on Environment and Public Works.

EC–4647. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of Greene County and Jackson County 8-Hour Ozone Nonattainment Areas to Attainment for Ozone'' (FRL7995–9) received on November 14, 2005; to the Committee on Environment and Public Works.

EC–4648. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans for Air Quality Planning Purposes; California—South Coast and Coachella'' (FRL7975–7) received on November 14, 2005; to the Committee on Environment and Public Works.

EC–4649. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Designation of Areas for Air Quality Planning Purposes; Arizona; Correction of Boundary of Phoenix Metropolitan 1-Hour Ozone Nonattainment Area'' (FRL7995–3) received on November 14, 2005; to the Committee on Environment and Public Works.

EC–4650. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting,

pursuant to law, the report of a rule entitled ''Interim Final Determination to Stay and/or Defer Sanctions, Pinal County Air Quality Control District'' (FRL7994–6) received on November 14, 2005; to the Committee on Environment and Public Works.

EC–4651. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Requirements on Variability in the Composition of Additives Certified Under the Gasoline Deposit Control Program; Final Rule'' (FRL7996–2) received on November 14, 2005; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 705. A bill to establish the Interagency Council on Meeting the Housing and Service Needs of Seniors, and for other purposes (Rept. No. 109–178).

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment:

S. 1869. A bill to reauthorize the Coastal Barrier Resources Act, and for other purposes (Rept. No. 109–179).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY (for herself, Ms. COLLINS, Mr. LIEBERMAN, and Mr. COLEMAN):

S. 2008. A bill to improve cargo security, and for other purposes; read the first time.

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. 2009. A bill to provide assistance to agricultural producers whose operations were severely damaged by the hurricanes of 2005; to the Committee on Finance.

By Mr. HATCH (for himself, Mrs. LINCOLN, Mr. SMITH, and Mr. KOHL):

S. 2010. A bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes; to the Committee on Finance.

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 2011. A bill to require the Administrator of the Environmental Protection Agency to establish performance standards for fine particulates for certain pulp and paper mills, and for other purposes; to the Committee on Environment and Public Works.

By Mr. STEVENS (for himself, Mr. INOUYE, Ms. SNOWE, Ms. CANTWELL, Mr. VITTER, and Mrs. BOXER):

S. 2012. A bill to authorize appropriations to the Secretary of Commerce for the Magnuson-Stevens Fishery Conservation and Management Act for fiscal years 2006 through 2012, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. STEVENS (for himself and Mr. INOUYE):

S. 2013. A bill to amend the Marine Mammal Protection Act of 1972 to implement the Agreement on the Conservation and Management of the Alaska-Chukotka Polar Bear Population; to the Committee on Commerce, Science, and Transportation.

By Mr. DEWINE (for himself, Mr. DURBIN, and Mr. SCHUMER):

S. 2014. A bill to amend title 38, United States Code, to expand and enhance educational assistance for survivors and dependents of veterans; to the Committee on Veterans' Affairs.

By Mr. ISAKSON:

S. 2015. A bill to provide a site for construction of a national health museum, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself and Mr. BIDEN):

S. Res. 312. A resolution expressing the sense of the Senate regarding the need for the United States to address global climate change through the negotiation of fair and effective international commitments; to the Committee on Foreign Relations.

By Ms. CANTWELL:

S. Res. 313. A resolution expressing the sense of the Senate that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic; to the Committee on the Judiciary.

By Mr. HATCH (for himself and Mr. BENNETT):

S. Res. 314. A resolution designating Thursday, November 17, 2005, as ''Feed America Thursday''; considered and agreed to.

By Ms. CANTWELL (for herself, Mr. WYDEN, and Mrs. MURRAY):

S. Res. 315. A resolution to commemorate the bicentennial anniversary of the arrival of Lewis and Clark at the Pacific Ocean considered and agreed to.

By Mr. COLEMAN (for himself, Mr. WARNER, Mr. PRYOR, Mr. SMITH, and Mr. DEMINT):

S. Res. 316. A resolution expressing the sense of the Senate that the United Nations and other international organizations should not be allowed to exercise control over the Internet; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 309

At the request of Mr. DEMINT, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements.

S. 707

At the request of Mr. ALEXANDER, the names of the Senator from Utah (Mr. BENNETT), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Missouri (Mr. BOND), the Senator from New York (Mrs. CLINTON), the Senator from Mississippi (Mr. COCHRAN), the Senator from South Carolina (Mr. GRAHAM), the Senator from Nebraska (Mr. HAGEL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Illinois (Mr. OBAMA), the Senator from Hawaii (Mr. INOUYE), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Indiana (Mr. LUGAR), the Senator from Maine (Ms. COLLINS), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. 707, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 863

At the request of Mr. CONRAD, the names of the Senator from Utah (Mr. BENNETT), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 863, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

At the request of Mr. ALLEN, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 863, supra.

S. 1110

At the request of Mr. SCHUMER, his name was withdrawn as a cosponsor of S. 1110, a bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1822

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1822, a bill to amend titles XVIII and XIX of the Security Act to make improvements to the implementation of the medicare prescription drug benefit.

S. 1841

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1841, a bill to amend title XVIII of the Social Security Act to provide extended and additional protection to Medicare beneficiaries who enroll for the Medicare prescription drug benefit during 2006.

S. 1889

At the request of Mr. HAGEL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1889, a bill to establish the Comprehensive Entitlement Reform Commission.

S. 1959

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1959, a bill to direct the Architect of the Capitol to obtain a statue of Rosa Parks and to place the statue in the United States Capitol in National Statuary Hall.

S. 1998

At the request of Mr. VITTER, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. CON. RES. 62

At the request of Mr. MCCONNELL, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. Con. Res. 62, a concurrent resolution directing the Joint Committee on the Library to procure a statue of Rosa Parks for placement in the Capitol.

At the request of Mr. BIDEN, his name was added as a cosponsor of S. Con. Res. 62, supra.

S. RES. 219

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 219, a resolution designating March 8, 2006, as ''Endangered Species Day'', and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide.

S. RES. 273

At the request of Mr. COLEMAN, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. Res. 273, a resolution expressing the sense of the Senate that the United Nations and other international organizations shall not be allowed to exercise control over the Internet.

AMENDMENT NO. 1451

At the request of Mr. SALAZAR, his name was added as a cosponsor of amendment No. 1451 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2518

At the request of Mr. SALAZAR, his name was added as a cosponsor of amendment No. 2518 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 2519

At the request of Mr. HARKIN, his name was added as a cosponsor of amendment No. 2519 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of amendment No. 2519 proposed to S. 1042, supra.

AMENDMENT NO. 2524

At the request of Mr. REID, his name was added as a cosponsor of amendment No. 2524 proposed to S. 1042, an original bill to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself, Ms. COLLINS, Mr. LIEBERMAN, and Mr. COLEMAN):

S. 2008. A bill to improve cargo security, and for other purposes; read the first time.

Mrs. MURRAY. Mr. President, today I'm pleased to introduce the bipartisan GreenLane Maritime Cargo Security Act with the chair of the Homeland Security and Government Affairs Committee, Senator SUSAN COLLINS.

We've worked together to create an innovative bill that will protect the American people and protect our economy from terrorist threats.

Our bill will help close one of the most dangerous vulnerabilities facing our nation—a terrorist organization using cargo containers to bring weapons and terrorists into the United States.

For decades, industry leaders in my home state of Washington and around the world have worked hard to create an open, efficient trading system. That system relies on cargo containers to move the vast majority of the world's commerce from factory to market.

The cargo container has reduced the cost of trade—helping American businesses and creating American jobs. We can be proud of the efficiency and speed of our container trading system.

But that system was designed for a different time—before terrorist attacks on American soil and before fanatics took jetliners and turned them into missiles.

Our bill addresses those concerns. Our bill increases scrutiny of shipments. It provides benefits to shippers but only after we have verified that they have improved security. And it ensures we keep testing the system to make sure it stays secure.

Let me quickly summarize the benefits of the GreenLane Act. It gives U.S. officials in foreign ports the authority to inspect suspicious containers before they are loaded for departure into the United States. The GreenLane Act makes the haystack of containers smaller so that the search is smaller. It allows the Government to focus on suspicious cargo. It ensures that we are inspecting and stopping cargo that poses a threat. And it cuts down smuggling of weapons, people, drugs or other illegal cargo.

A smaller haystack and strict overseas security measures will allow the United States and foreign officials to better stop criminal actions and threats to our national security. The GreenLane Act protects America's economy in the event of a terror attack, and it provides a secure, organized way to quickly resume cargo operations after any emergency shutdown. Because any shutdown of ports has the potential to cost the U.S. economy billions of dollars a day, the GreenLane Act will minimize the economic impact of a terrorist attack. And the GreenLane Act creates market incentives for everyone in the supply chain to improve security and take responsibility for the cargo they handle.

Today we have a choice in how we deal with the cargo security challenges that face us. But if we wait for a disaster, we will not have a choice. If we all agree on a system now, we will have a role in shaping what it looks like and making sure it is sensitive to the need for free-flowing commerce. I am here to say, along with Senator COLLINS, that we need to make these changes on our terms now before there is an incident. If we wait until after there is an incident, we risk drastic actions that will hurt everyone. With the GreenLane Act we introduce today, we have the opportunity to create effective, efficient systems and put them in place now.

I invite anyone who cares about our security and our economy to join Senator COLLINS and me in this effort. If anybody would like more information, visit my Web page at Murray.Senate.Gov/GreenLane.

I thank Senator COLLINS for her tremendous leadership and partnership in developing this legislation. She brings tremendous experience and expertise to one of America's biggest threats. It has been a pleasure to work with her in developing this critically important bill. I look forward to working with her, and anyone else here, to help turn the ideas of this bill into laws that will protect the American people.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I am pleased to join my colleague, Senator MURRAY, in introducing today the GreenLane Maritime Cargo Security

Act. It has been a great pleasure to work with my colleague on this important issue. Senator MURRAY has been an early leader in the call for greater port security. I am pleased we were able to join our efforts in a bipartisan bill to provide long overdue improvements in maritime security.

Our comprehensive legislation would help build a coordinated approach to maritime and port security across all levels of government and with our overseas trading partners. It would improve our Nation's security as it expedites trade with those governments and businesses that join us in this goal. It would encourage innovation, and it would provide financial assistance to our ports as they strive to strengthen their terrorism prevention and response efforts.

This legislation would provide the structure and resources needed to better protect the American people from attack through these vital yet extremely vulnerable points of entry and centers of economic activity.

Coming from a State with three international cargo ports, including the largest port by tonnage in New England, I am keenly aware of the importance of our seaports to our national economy and to the communities in which they are located. In addition to our ports' obvious economic significance, the link between maritime security and our national security has been underscored time and again by terrorism experts, including the 9/11 Commission. It is easy to see why, if you look at the statistics.

In 2003, more than 6,000 ships made nearly 57,000 calls on American ports. They carried the bulk of approximately 800 million tons of goods that came into our country, including more than 9 million containers. We know that al-Qaida has the stated goal of causing maximum harm to the American people and maximum disruption to our economy. Therefore, when you look at what could achieve those goals, you are instantly drawn to our cargo ports.

We already have a glimpse of the staggering damage a terrorist attack on a cargo port could produce. In the fall of 2002, the west coast dock strike cost our economy an estimated $1 billion a day for each of the 10 days that the work stoppage lasted. It not only brought those western coast ports to a halt but also harmed businesses throughout the country. That astonishing amount of harm, $10 billion worth, was the result of an event that was both peaceful and anticipated. Think of what the impact of a terrorist attack would be.

More recently, Hurricane Katrina brought the port of New Orleans and several other gulf coast ports to a standstill. Fortunately, much of this cargo was able to be diverted to other ports undamaged by the storm. In the aftermath of a terrorist attack, however, it is likely that an attack on one port would result in the closure, at least temporarily, of all ports. All of us remember in the wake of 9/11 that commercial aircraft were grounded across this country for a number of days. It is logical to assume that all of the ports would be closed in this country if there were a terrorist attack on one port.

In addition to the threat of a direct attack on one of our ports, any one of the more than 9 million containers that enter the United States each year has the potential to be the Trojan horse of the 21st century. When we look at these huge cargo ships unloading thousands of containers every day, we think: Oh, that contains consumer goods, maybe television sets or toys or clothing or sneakers. Fortunately, in the vast majority of cases, that is exactly what is in those containers. But a container could include terrorists themselves, biological or chemical agents, or even a small nuclear weapon.

For years, criminals have used cargo containers to smuggle narcotics, firearms, and people into the United States. These containers may come from anyone of 1,000 ports overseas, ports that have varying degrees and levels of security. They could also be intercepted or tampered with along the way.

Earlier year this year, I toured the ports of Los Angeles and Long Beach. The sheer size of these facilities and the activities that are going on every day are startling. So, too, are the risks and the vulnerabilities that they offer for terrorists to exploit. By coincidence, my visit came days before 32 Chinese nationals were smuggled into the port of Los Angeles in two cargo containers. Fortunately, that Trojan horse held people who were simply seeking a better way of life, albeit illegally, and they were not terrorists seeking to destroy our way of life. They were caught. But what is particularly disturbing to me, and speaks to the weaknesses and vulnerabilities of the current system, is they weren't caught through any security measure. It wasn't the container security initiative or the C–TPAT Program or any other new initiative that resulted in these 32 Chinese nationals being caught. Instead it was an alert crane operator who happened to see them crawling out of the containers.

We cannot continue to rely on luck or even alert crane operators to provide for the security of our seaports, our Nation, and our people.

In August, the President issued the National Security Strategy for Maritime Security. It warns of the probability of a hostile state using a weapon of mass destruction sometime in the next decade, and it identifies the maritime sector as most likely to be used to bring a weapon of mass destruction into the United States. In addition, the use of ''just in time'' inventories, which are now used by most industries, means that a disruption of our ports would have catastrophic repercussions for our entire economy.

A fundamental goal of port security is to head off trouble before it reaches our shores. Current supply-chain security programs within the Federal Government, however, were separately conceived and managed by different agencies, rather than woven together into a layered, consistent approach. The result of that, the Government Accountability Office tells us, is that only 17.5 percent of high-risk cargo identified by our own Customs agents was inspected overseas. I am talking about cargo that has been identified as high risk, and yet we are inspecting less than 20 percent of high-risk cargo. We found that the current programs lack standards, lack staffing, and lack the validation of security measures that are necessary for their success.

We cannot remove the risk of a terrorist attack, but the better security measures outlined by the Murray-Collins bill can build a stronger shield against terrorism without hampering trade.

This legislation provides the tools to construct a more effective security system. It was developed in close consultation with key stakeholders including port authorities, major retailers and importers, carriers, supply chain managers, security and transportation experts, and Federal and State agencies.

First, it addresses the problem of uncoordinated supply-chain security efforts by directing the Secretary of Homeland Security to develop a strategic plan to strengthen international security for all modes of transportation by which containers arrive in, depart from or move through seaports of the United States. This plan will clarify the roles, responsibilities, and authorities of government agencies at all levels and of private sector stakeholders. It will establish clear, measurable goals for furthering the security of commercial operations from point of origin to point of destination. It will outline mandatory, baseline security measures and standards and provide incentives for additional voluntary measures.

The new Office of Cargo Security Policy, established in our legislation, would ensure implementation of the strategic plan. This important office will report to the Department's Assistant Secretary for Policy in order to better coordinate maritime security efforts within the Department of Homeland Security and among our international and private-sector partners.

This legislation also gives the Secretary 6 months to establish minimum standards and procedures for securing containers in transit to the U.S., based on the Department's experience with current cargo security programs. All containers bound for U.S. ports of entry must meet those standards no later than 2 years after they are established. Currently, DHS has been too slow to implement certain vital security measures. For example, the Department has been working on a regulation setting a minimum standard for mechanical seals on containers for

more than 2 years. Such delays are unacceptable. This legislation would set clear timelines to ensure steady progress.

The Department has also pledged to deploy radiation detection equipment at all ports of entry in the U.S. to examine 100 percent of cargo. The zero tolerance policy for radiation has been discussed since 2002, though less than a quarter of the detection equipment deemed necessary for domestic coverage had been deployed as of last month. Even more frustrating is that the Department has changed the target for system deployment multiple times. The Department's new Domestic Nuclear Detection Office is beginning to take hold of this critical issue, yet the need for a comprehensive plan for the deployment of radiation detection equipment is evident. Our legislation requires this plan be developed and that 100 percent incoming containers to the U.S. be examined for radiation no later than 1 year after enactment.

I want to thank Senator COLEMAN for his efforts in this area. These provisions address concerns that have been identified through our joint investigative work on programs protecting our nation against weapons of mass destruction.

For the first time, this legislation would authorize the Container Security Initiative. Ongoing, predictable funding—$175 million a year for the five years beginning in 2007—is essential for this crucial program to succeed. In addition to providing funding, the bill lays out requirements for CSI ports and a process for designating new ports under CSI. The Secretary must undertake a full assessment of the potential risk of smuggling or cargo tampering related to terrorism, before designating a port under CSI. This authorization also will enable our CSI partners to strengthen anti-terrorism measures and to improve training of personnel.

We would authorize C–TPAT at $75 million per year for that same 5-year period, and we clearly outline the certification and validation requirements and the benefits associated with meeting those requirements. Our legislation directs the Secretary to correct the deficiencies of the program, and, within one year, to issue guidelines that will be used to certify a participant's security measures and supply chain practices.

In addition, we would create a new, third tier of C–TPAT, called the GreenLane, which offers additional benefits to C–TPAT participants that meet the highest level of security standards. Cargo in transit to the U.S. through the GreenLane would be more secure through the use of container security devices and stronger supply chain security practices in all areas, such as physical, procedural and personnel security. The legislation directs the Secretary to develop benefits that may include further reduced inspections, priority processing for inspections, and, most significantly, preference in entering U.S. ports in the aftermath of a terrorist attack. Senator MURRAY, who developed this concept, will describe GreenLane in greater detail.

The bill also places a greater emphasis on communications among government and industry players in responding to an incident and settles the critical question of ''who's in charge.''

Technology plays an important role in maritime and cargo security. The Department of Homeland Security has scattered efforts to deploy existing technologies, to enhance those tools and to develop new ones. It is critical that these efforts be undertaken in a more coordinated fashion. In addition, the Government must work closely with and encourage the ingenuity of the private sector in developing the technologies that will improve both security and trade.

Let me close by saying that this legislation recognizes that America's ports, large and small, are our partners in keeping our Nation safe and our economy moving. Our Port Security Grant Program will help our ports make the investments needed to meet the threat of terrorism. The global maritime industry is crucial to our Nation's economy, and our ports are undoubtedly on the front lines of the war against terrorism. This legislation would set clear goals for improving the security of this vital sector, and it would provide the resources to meet and achieve those goals.

I again thank my colleague, Senator MURRAY, for her hard work and initiative on this legislation. We are pleased to be joined as original cosponsors by Senators NORM COLEMAN and JOE LIEBERMAN. That is indicative of the kind of bipartisan support this legislation enjoys, and it is my hope that many more of our colleagues will join us in bringing this legislation to enactment early next year. Our container trading system was designed for a world before September 11.

Now, here we are, 4 years later, and we still have not made our maritime cargo system as secure as it needs to be. Six months after the September 11 attacks, I held a hearing to exam the vulnerability of cargo security. Many of the concerns that were raised at that hearing are still dogging us today.

One of the challenges we face is how we can make trade more secure without slowing it to a crawl. If we have absolute security, we will curtail trade. If we have completely open trade, we will not have enough security.

For the past few years, I have been meeting with leaders in Government and industry to figure out how we can strike the right balance. One thing I know for sure is, it is better for us to work together now to design a security system on our own terms than to wait for an attack and force a security system in a crisis atmosphere.

I have spent several years exploring this challenge and meeting with stakeholders to get their ideas. Senator COLLINS, as chair of the Senate Homeland Security and Governmental Affairs Committee, has held hearings on this issue and has introduced legislation.

As a result of our work, Senator COLLINS and I have developed the GreenLane Maritime Cargo Security Act. It provides, for the first time, a comprehensive blueprint for how we can improve security while keeping trade efficient. At its heart, this challenge is about keeping the good things about trade—speed and efficiency—without being vulnerable to the bad things about trade—the potential for terrorists to use our engines of commerce.

There is an incident that occurred a few years ago that shows just how serious a threat we are facing. Four years ago, in Italy, dockworkers noticed something strange about one of the cargo containers. They opened it up and found an Egyptian man inside. But this was not your average stowaway. This man was a suspected al-Qaida terrorist, and he had all of the tools of the trade with him. His cargo container had been outfitted for a long voyage with a bed, a heater, and water. He had a satellite phone and a laptop computer. He also had security passes and mechanic certificates for four U.S. airports.

Now, that happened in 2001. It can still happen today. But don't take my word for it. The Commissioner of Customs and Border Protection said:

[T]he container is the potential Trojan Horse of the 21st century.

The 9/11 Commission said terrorists may turn from targeting aviation to targeting seaports because ''opportunities to do harm are as great, or greater, in maritime or surface transportation.''

As we all know, our Government has uncovered al-Qaida training manuals, and some of these books suggest that terrorists try to recruit workers at borders, airports, and seaports.

There are two main scenarios we need to think about.

First, a group like al-Qaida could use cargo containers to smuggle weapons and personnel into the United States. They could split up a weapon and ship it to the U.S. in separate containers. And those pieces could be reassembled anywhere in the United States. So the first danger is that terrorists could use these cargo containers to get dangerous weapons into the United States.

Secondly, terrorists could use a cargo container as a weapon itself. A terrorist could place a nuclear, chemical, or biological weapon inside a container and then detonate it once it reaches a U.S. port or another destination inside the United States.

This week, the 9/11 Commission said we have not done enough to prevent terrorists from acquiring weapons of mass destruction. One study said if a nuclear device was detonated at a major seaport, it could kill up to a million people.

Now, many of our ports are located near major cities. Others are located near key transportation hubs. For example, if a chemical weapon were detonated in Seattle, the chemical plume could contaminate the rail system, Interstate 5, and SeaTac Airport, not to mention the entire downtown business and residential areas.

Terrorists could also detonate a dirty bomb or launch a bioterror attack. Any of those scenarios would impose a devastating cost in human lives, but that is not all.

We also know that al-Qaida wants to cripple our economy. Cargo containers could offer them a powerful way to do just that, and the damage goes beyond lives. An attack launched through our ports would also have a devastating economic impact. That is because after an attack the Federal Government is likely to shut down our ports to make sure that additional hazards weren't being brought into the country—similar to what we did with airplanes after 9/11.

When we stopped air travel then, it took us a couple of days to get back up to speed. And as we all remember, it cost our economy a great deal. But if you stopped cargo containers without a resumption system in place, it could take as long as 4 months to get them inspected and moving again. That would cripple our economy, and it could even spark a global recession.

Today, our cargo containers are part of the assembly line of American business. We have just-in-time delivery and rolling warehouses. If you shut down the flow of cargo, you are shutting down the economy. If our ports were locked down, we would feel the impact at every level of our economy.

Factories would not be able to get the raw materials they need. Many keep small inventories on hand. Once those inventories run out, factories would be shut down and workers laid off. We would also see the impact in stores. Merchants would not be able to get their products from overseas. Store shelves would go bear, and workers, again, would be laid off.

One study, in fact, concluded that if U.S. ports were shut down for 12 days, it could cost our economy $58 billion. In 2002, we saw what closing down a few ports on the west coast would do. When west coast dockworkers were locked out, it cost our economy about $1 billion a day. Imagine if we shut down all our ports, not just those on the west coast.

Dr. Stephen Flynn, who is a national security expert, has said that a 3-week shutdown could spawn a global recession. It is clear that we are vulnerable and that an attack could do tremendous damage.

If our ports were shut down today, we do not have a system in place for getting them started again. There is no protocol for what would be searched, what would be allowed in, and even who would be in charge.

Now, I want to acknowledge that we have made some progress since 9/11. We have provided some funding to make our ports more secure. I have fought for port security grants to make sure we are controlling access to our ports, and our local ports are on the cutting edge of security. We have implemented the 24-hour rule so we know what is supposed to be in a container before it reaches the United States. We are adding some more detection equipment to American ports, but, remember, once a nuclear device is sitting on a U.S. dock, it is too late. Customs created a program that works with foreign ports to speed some cargo into the United States. It is a good idea, but to date it has not been implemented well.

In May, the Government Accountability Office issued a very troubling report. It found that if companies applied for C–TPAT status, we gave them less scrutiny simply for submitting paperwork. We never checked to see if they actually did what they said they were going to do. We just inspected them less. One expert called that approach ''trust, but don't verify.''

Even when U.S. Customs inspectors do find something suspicious at a foreign port, they cannot force a container to be inspected today. They can ask the local government, but those requests are frequently rejected.

So because we cannot enforce those agreements through our State Department, our Customs officials do not have the power they need, and potentially dangerous cargo can arrive at U.S. ports without being inspected overseas.

I am deeply concerned about this issue because I know that maritime cargo, especially container cargo, is a critical part of our economy. My interest in trade goes back to my childhood. My dad ran a small dime store. He relied on imports to stock the shelves in his store. International trade put food on our table, and I have never forgotten that. So I want to make sure we close the loopholes that threaten our ability to trade, while we protect our lives and our economy.

I have worked on this challenge for several years. I have held hearings. I wrote and funded Operation Safe Commerce. And I have been meeting with various stakeholders.

I know this proposal has to work for everyone in the supply chain: importers, freight forwarders, shippers, terminal operators, and workers such as longshoremen, truckdrivers, and port employees—all the people who are on the frontlines as our eyes and our ears. They need to be part of the solution because they would be among the first to be hurt if an incident occurred.

Senator COLLINS and I have worked together to get input from stakeholders, and with that we have crafted a bill that I believe strikes the right balance. Our proposal is built around five commonsense ideas.

It has been over 4 years since the tragedy of September 11, and some of our most vulnerable assets—our ports and our maritime cargo system—still do not have a coordinated security regime. So the GreenLane Act will take that first step and ensure minimum security standards are in place for all container cargo entering our ports.

Secondly, because there are so many cargo containers coming into our country, we need to make that haystack smaller. We need to do a better job in front-loading our inspections overseas before the cargo ever gets loaded on a ship that is headed for the United States. Then, instead of focusing on a small percent of all containers, we can separate the most secure containers from the ones that need more security.

Third, we need to give businesses incentives to adopt better security. Companies are going to do what is in their financial interest, and we can use market incentives to make the entire industry more secure.

Fourth, we need to minimize the impact of any incident. Right now, if there were a terrorist attack through one of our ports, there would be an awful lot of confusion. So we need to put one office in charge of cargo security policy. We need to create protocols for resuming trade after an incident occurs. And we need to establish joint operations centers to help make local decisions that will get our trade moving again.

We cannot afford to leave cargo on the docks for weeks. We need a plan that tells us in advance what cargo will be unloaded first, and how we will get this system back on its feet.

Finally, we need to monitor and secure cargo from the factory floor overseas until it reaches our own shores. There are vulnerabilities at every step of the supply chain. A secure system is going to start at the factory overseas and continue until that cargo reaches its final destination.

I want to detail how our bill will make the American people safer. First of all, it raises the security standards for everyone across the board and directs the Department of Homeland Security to take all of the best practices and lessons learned and create new standards that will establish a new baseline of security for everyone.

Secondly, it creates the GreenLane. If shippers agree to follow the higher security standards of the GreenLane, they get a series of benefits.

To be designated as GreenLane cargo, importers have to ensure that all entities within their supply chain are validated C–TPAT participants; access to the cargo and containers is restricted to those employees who need access and we are assured of their identification; a logistics system is in place that provides the ability to track everything loaded into a GreenLane container back to the factory; and, a container security device, such as an e-seal, is used to secure the container.

Remember, GreenLane is optional. No one has to participate. I believe companies will want to participate because they will get benefits in return.

What are those benefits? Their bonding requirements could be reduced or

eliminated. Instead of paying customs duties on every shipment, they could be billed monthly or quarterly. Their cargo will be subject to fewer searches and will be released faster upon entering the United States. They will lose less cargo to theft, and they will have the stability that comes from having one uniform standard to plan around.

Finally, the GreenLane Act sets up a plan so that trade can be resumed quickly and safely if an attack occurs. Today, there are no protocols. There is no guide on how to get the system going again. Our bill will create one, and it will let the most secure cargo—the GreenLane cargo—be released first.

Our bill creates joint operations centers to ensure a coordinated, measured response and the resumption and flow of commerce in the event of an incident or heightened national security threat level.

Our bill takes other steps. It expands port security grants. It makes sure we continue to monitor our security system to make sure it is working. It makes sure that a company's cargo data is not available to competitors. It sets a uniform standard for security so shippers and others have some certainty, rather than a hodgepodge of different standards.

There have been a lot of commissions and studies on port security, and we have worked to address their recommendations in our bill.

The 9/11 Commission said we need ''layered'' security, that we need to centralize authority so we can have more accountability, and that Federal agencies need to share information better. Our bill implements all of those recommendations.

The Government Accountability Office looked at current Customs programs and identified some troubling shortcomings.

By Mr. MARTINEZ (for himself and Mr. NELSON of Florida):

S. 2009. A bill to provide assistance to agricultural producers whose operations were severely damaged by the hurricanes of 2005; to the Committee on Finance.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the Agriculture Hurricane Recovery Act of 2005 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Agriculture Hurricane Recovery Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS.

Except as otherwise provided in this Act, in this Act:

(1) ADDITIONAL COVERAGE.—The term ''additional coverage'' has the meaning given the term in section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)).

(2) CATASTROPHIC RISK PROTECTION.—The term ''catastrophic risk protection'' means the level of insurance coverage provided under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)).

(3) DISASTER COUNTY.—The term ''disaster county'' means a county included in the geographic area covered by a natural disaster declaration due to hurricanes in calendar year 2005—

(A) made by the Secretary under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) due to hurricanes in calendar year 2005; or

(B) made by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(4) INSURABLE COMMODITY.—The term ''insurable commodity'' means an agricultural commodity for which producers are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(5) NONINSURABLE COMMODITY.—The term ''noninsurable commodity'' means an eligible crop for which producers are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

TITLE I—CROP ASSISTANCE

SEC. 101. CROP DISASTER ASSISTANCE.

(a) EMERGENCY ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency assistance under this section to producers on a farm or aquaculture operation (other than producers of sugarcane) that meet the eligibility criteria of paragraph (2) in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and quality losses as were used in administering that section.

(2) ELIGIBILITY CRITERIA.—For producers described in paragraph (1) to be eligible for emergency assistance under this section—

(A) the farm or aquaculture operation must be located in a disaster county; and

(B) the producers must have incurred qualifying crop or quality losses with respect to the 2004, 2005, or 2006 crop (as elected by a producer), but limited to only 1 such crop, due to damaging weather or related condition, as determined by the Secretary.

(3) LIMITATION.—Qualifying crop losses for the 2006 crop are limited to only those losses caused by a hurricane or tropical storm occurring during the 2005 hurricane season in disaster counties.

(b) INELIGIBILITY FOR ASSISTANCE.—Except as provided in subsection (c), the producers on a farm shall not be eligible for assistance under this section with respect to losses to an insurable commodity or noninsurable commodity if the producers on the farm—

(1) in the case of an insurable commodity, did not obtain a policy or plan of insurance for the insurable commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses;

(2) in the case of a noninsurable commodity, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsurable commodity under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) for the crop incurring the losses;

(3) had an average adjusted gross income (as defined in section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a)) of greater than $2,500,000; or

(4) were not in compliance with highly erodible land conservation and wetland conservation provisions under subtitles B and C of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.).

(c) CONTRACT WAIVER.—The Secretary may waive subsection (b) with respect to the producers on a farm if the producers enter into a contract with the Secretary under which the producers agree—

(1) in the case of all insurable commodities produced on the farm for each of the next 2 crop years—

(A) to obtain additional coverage for those commodities under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(B) in the event of violation of the contract, to repay to the Secretary any payment received under this section; and

(2) in the case of all noninsurable commodities produced on the farm for each of the next 2 crop or calendar years, as applicable—

(A) to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for those commodities under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); and

(B) in the event of violation of the contract, to repay to the Secretary any payment received under this section.

(d) PAYMENT LIMITATIONS.—

(1) LIMIT ON AMOUNT OF ASSISTANCE.—Assistance provided under this section to the producers on a farm for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary.

(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producers on the farm receive for losses to the same crop.

(B) The value of the crop that was not lost (if any), as estimated by the Secretary.

(e) CROP INSURANCE DEDUCTIBLES.—For the purpose of determining crop insurance payments under this section, the Secretary shall consider Hurricane Wilma has having occurred during the 2005 crop year.

SEC. 102. NURSERY CROPS AND TROPICAL FRUIT PRODUCERS.

(a) EMERGENCY FINANCIAL ASSISTANCE.—Notwithstanding section 508(b)(7) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(7)), the Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance available to—

(1) commercial ornamental nursery and fernery producers in a disaster county for eligible inventory losses due to hurricanes in calendar year 2005; and

(2) tropical fruit producers in a disaster county who have suffered a loss of 35 percent or more relative to their expected production (as defined in section 1480.3 of title 7, Code of Federal Regulations (or a successor regulation)) due to hurricanes in calendar year 2005.

(b) ADMINISTRATION.—

(1) DETERMINATION OF COMMERCIAL OPERATIONS.—For a nursery or fernery producer to be considered a commercial operation for purposes of subsection (a)(1) or (d)(1), the producer must be registered as nursery or fernery producer in the State in which the producer conducts business.

(2) DETERMINATION OF ELIGIBLE INVENTORY.—For purposes of subsection (a)(1), eligible nursery and fernery inventory includes foliage, floriculture, and woody ornamental crops, including—

(A) stock used for propagation; and

(B) fruit or nut seedlings grown for sale as seed stock for commercial orchard operations growing fruit or nuts.

(c) CALCULATION OF LOSSES AND PAYMENTS.—

(1) NURSERY AND FERNERY PRODUCERS.—

(A) IN GENERAL.—For purposes of subsection (a)(1)—

(i) inventory losses for a nursery or fernery producer shall be determined on an individual-nursery or -fernery basis; and

(ii) the Secretary shall not offset inventory losses at 1 nursery or fernery location by salvaged inventory at another nursery or fernery operated by the same producer.

(B) AMOUNT.—The amount of payment to a nursery or fernery producer under subsection (a)(1) shall be equal to the product obtained by multiplying (as determined by the Secretary)—

(i) the difference between the pre-disaster and post-disaster inventory value, as determined by the Secretary using the wholesale price list of the producer, less the maximum customer discount provided by the producer, and not to exceed the prices in the Department of Agriculture publication entitled ''Eligible Plant List and Price Schedule'';

(ii) 25 percent; and

(iii) the producer's share of the loss.

(2) TROPICAL FRUIT PRODUCERS.—The amount of a payment to a tropical fruit producer under subsection (a)(2) shall be equal to the product obtained by multiplying (as determined by the Secretary)—

(A) the number of acres affected;

(B) the payment rate; and

(C) the producer's share of the crop.

(3) PAYMENT LIMITATION.—The Secretary shall not impose any payment limitation on an assistance payment made to a nursery, fernery, or tropical fruit producer under paragraph (1) or (2) of subsection (a).

(d) DEBRIS-REMOVAL ASSISTANCE.—

(1) AVAILABILITY OF ASSISTANCE.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance available to commercial ornamental nursery and fernery producers in a disaster county to help cover costs incurred for debris removal and associated cleanup due to hurricanes in calendar year 2005.

(2) AMOUNT OF ASSISTANCE.—

(A) IN GENERAL.—Assistance under this subsection may not exceed the actual costs incurred by the producer for debris removal and cleanup or $250 per acre, whichever is less.

(B) NO ADDITIONAL PAYMENT LIMITATIONS.—Except as provided in subparagraph (A), the Secretary shall not impose any limitation on the maximum amount of payments that a producer may receive under this subsection.

(e) NONDISCRIMINATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), in carrying out this section, the Secretary shall not discriminate against or penalize producers that did not purchase crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) with respect to an insurable commodity or did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) with respect to a noninsurable commodity.

(2) PENALTY.—In the case of a producer described in paragraph (1)—

(A) payment rates under this section shall be reduced by 5 percent; and

(B) the producer shall comply with subsection (f).

(f) CONTRACT TO PROCURE CROP INSURANCE OR NAP.—In the case of a producer described in subsection (e)(1) who receives any assistance under this section, the producer shall be required to enter into a contract with the Secretary under which the producer agrees—

(1) in the case of all insurable commodities grown by the producer during the next available coverage period—

(A) to obtain at least catastrophic risk protection for those commodities under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(B) in the event of violation of the contract, to repay to the Secretary any payment received under this section; and

(2) in the case of all noninsurable commodities grown by the producer during the next available coverage period—

(A) to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for those commodities under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); and

(B) in the event of violation of the contract, to repay to the Secretary any payment received under this section.

(g) RELATION TO OTHER ASSISTANCE.—

(1) LINK TO ACTUAL LOSSES.—Assistance provided under subsection (a) to a producer for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 100 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary.

(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producer receives for losses to the same crop.

(B) Assistance received under any other emergency crop loss authority.

(C) The value of the crop that was not lost (if any), as estimated by the Secretary.

(h) ADJUSTED GROSS INCOME LIMITATION.—The average adjusted gross income limitation specified in section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a), shall apply to assistance provided under this section.

SEC. 103. CITRUS AND VEGETABLE ASSISTANCE.

Notwithstanding any other provision of this Act or any other law, the Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to both citrus and vegetable producers to carry out an assistance program similar to the program entitled the ''Florida Citrus Disaster Program'', described at 69 Fed. Reg. 63134, October 29, 2004, Document No. 04-24290 (relating to Florida citrus, fruit, vegetable, and nursery crop disaster programs), except that qualifying crop losses shall be limited to those losses caused by a hurricane or tropical storm occurring during the 2005 hurricane season in a disaster county.

SEC. 104. SUGAR PRODUCERS.

The Secretary shall use $395,000,000 of the funds of the Commodity Credit Corporation to make payments to processors in Florida and Louisiana that are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) to compensate first processors and producers for crop and other losses that are related to hurricanes, tropical storms, excessive rains, and floods occurring during calendar year 2005, to be calculated and paid on the basis of losses on 40-acre harvesting units, in disaster counties, on the same terms and conditions, to the maximum extent practicable, as payments made under section 102 of the Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act, 2005 (Public Law 108-324; 118 Stat. 1235).

TITLE II—LIVESTOCK ASSISTANCE

SEC. 201. LIVESTOCK ASSISTANCE PROGRAM.

(a) EMERGENCY FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make payments for livestock losses to producers for 2005 or 2006 losses (as elected by a producer), but not both, in a county that has received an emergency disaster designation by the President after January 1, 2004.

(2) RESTRICTION.—In determining eligibility for assistance under this section, the Secretary shall not use the end date of the normal grazing period to determine the threshold of a 90-day loss of carrying capacity.

(b) ADMINISTRATION.—Except as provided in subsection (a), the Secretary shall make assistance available under this subsection in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(c) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under this section, the Secretary shall not penalize a producer that takes actions (including recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(d) INCLUSION OF POULTRY.—In providing assistance under this section, the Secretary shall include poultry within the definition of ''livestock''.

TITLE III—FORESTRY

SEC. 301. TREE ASSISTANCE PROGRAM.

(a) SPECIFIC INCLUSION OF NURSERY TREES, CHRISTMAS TREES, TIMBER AND FOREST PRODUCTS.—Section 10201 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C.

8201) is amended by striking paragraph (1) and inserting the following:

''(1) ELIGIBLE ORCHARDIST.—The term 'eligible orchardist' means—

''(A) a person that produces annual crops from trees for commercial purposes;

''(B) a nursery grower that produces field-grown trees, container-grown trees, or both, whether or not the trees produce an annual crop, intended for replanting after commercial sale; or

''(C) a forest landowner who produces periodic crops of timber, Christmas trees, or pecan trees for commercial purposes.''.

(b) APPLICATION OF AMENDMENT.—The Secretary shall apply the amendment made by subsection (a) beginning in disaster counties.

(c) COST-SHARING WAIVERS.—

(1) TREE ASSISTANCE PROGRAM.—The cost-sharing requirements of section 10203(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8203(1)) shall not apply to the operation of the tree assistance program in disaster counties in response to the hurricanes of calendar year 2005.

(2) COOPERATIVE FORESTRY ASSISTANCE ACT.—The cost-sharing requirements of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) shall not apply in disaster counties during the 2-year period beginning on the date of enactment of this Act.

(3) REFORESTATION.—In carrying out the tree assistance program under subtitle C of title X of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201 et seq.), the Secretary shall provide such funds as are necessary to compensate forest owners that—

(A) produce periodic crops of timber or Christmas trees for commercial purposes; and

(B) have suffered tree losses in disaster counties.

TITLE IV—CONSERVATION

SEC. 401. EMERGENCY CONSERVATION PROGRAM.

(a) SPECIFIC INCLUSION OF NURSERY AND FERNERY PRODUCERS AND INTERIOR FENCES.—Section 401 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201) is amended—

(1) by striking ''sec. 401. The Secretary'' and inserting the following:

''SEC. 401. PAYMENTS TO AGRICULTURAL PRODUCERS FOR WIND EROSION CONTROL OR REHABILITATION MEASURES.

''(a) IN GENERAL.—The Secretary''; and

(2) by adding at the end the following:

''(b) INCLUSIONS.—In this title:

''(1) AGRICULTURAL PRODUCER.—The term 'agricultural producer' includes a producer of nursery or fernery crops.

''(2) INTERIOR FENCES.—The term 'fences' includes both perimeter pasture and interior corral fences.''.

(b) APPLICATION OF AMENDMENT.—The Secretary shall apply the amendment made by subsection (a)(2) beginning in disaster counties.

(c) COMPENSATION.—The Secretary shall use funds of the Commodity Credit Corporation to compensate producers on a farm operating in a disaster county for costs associated with repairing structures, barns, storage facilities, poultry houses, beehives, greenhouses, and shade houses due to hurricane damage in calendar year 2005.

TITLE V—LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS

SEC. 501. EMERGENCY GRANTS FOR LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.

(a) IN GENERAL.—The Secretary shall use $40,000,000 of funds of the Commodity Credit Corporation, to remain available until December 31, 2007, to provide emergency grants to assist low-income migrant and seasonal farmworkers under section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a)

(b) USE OF GRANTS.—Grants provided under this section may be used to provide such emergency services as the Secretary determines to be necessary, including—

(1) the repair of existing farmworker housing and construction of new farmworker housing units to replace housing damaged as a result of hurricanes during 2005; and

(2) the reimbursement of public agencies and private organizations for emergency services provided to low-income migrant or seasonal farmworkers after October 31, 2005.

TITLE VI—FISHERIES

SEC. 601. FISHERIES ASSISTANCE.

(a) FUNDS FOR OYSTER RESTORATION.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Commerce $10,000,000 to provide assistance for reseeding, rehabilitation, and restoration of oyster reefs located in Alabama, Florida, Louisiana, or Mississippi.

(2) AVAILABILITY OF FUNDS.—The funds transferred under paragraph (1) shall remain available until September 30, 2007.

(3) RECEIPT AND ACCEPTANCE.—The Secretary of Commerce shall be entitled to receive, shall accept, and shall use as described in this section the funds transferred under paragraph (1) without further appropriation.

(b) FUNDS FOR FISHERIES DISASTER ASSISTANCE.—

(1) IN GENERAL.—In addition to amounts appropriated or otherwise made available, not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Commerce $60,000,000 to provide fisheries disaster assistance.

(2) LIMITATION ON USE OF FUNDS.—Of the funds transferred under paragraph (1)—

(A) not more than 5 percent of such funds may be used for administrative expenses; and

(B) none of such funds may be used for lobbying activities or representational expenses.

(3) RECEIPT AND ACCEPTANCE.—The Secretary of Commerce shall be entitled to receive, shall accept, and shall use as described in this section the funds transferred under paragraph (1) without further appropriation.

(c) PROVISION OF ASSISTANCE.—

(1) LUMP SUM PAYMENTS TO STATES.—The Secretary of Commerce shall use the funds transferred under this section to provide direct lump sum payments to the States of Louisiana, Mississippi, Alabama, and Florida to provide assistance to persons located in a disaster county who have experienced significant economic hardship due to the loss of fisheries, oysters, lobsters, stone crabs, or clams, destroyed or damaged processing facilities, or closures due to red tide or other water quality issues.

(2) USE OF FUNDS.—Funds transferred to the Secretary of Commerce under this section shall be used to provide assistance—

(A) to individuals, with priority given to food, energy needs, housing assistance, transportation fuel, and other urgent needs;

(B) to small businesses, including fishermen, fish processors, and related businesses serving the fishing industry;

(C) to carry out activities related to domestic product marketing and seafood promotion; and

(D) to carry out seafood testing programs operated by a State.

TITLE VII—TIMBER TAX RELIEF

SEC. 701. TIMBER TAX RELIEF FOR BUSINESSES AFFECTED BY CERTAIN NATURAL DISASTERS.

(a) CASUALTY LOSSES.—

(1) IN GENERAL.—Section 1211 of the Internal Revenue Code of 1986 (relating to limitation of capital losses) shall not apply to any qualified timber loss.

(2) QUALIFIED TIMBER LOSS.—For purposes of this subsection, the term ''qualified timber loss'' means a loss with respect to timber which is attributable to—

(A) Hurricane Dennis,

(B) Hurricane Katrina,

(C) Hurricane Rita, or

(D) Hurricane Wilma.

(b) INCREASED EXPENSING FOR REFORESTATION EXPENDITURES.—

(1) IN GENERAL.—In applying section 194(b) of the Internal Revenue Code of 1986 to any specified qualified timber property for the first taxable year beginning after the date of the enactment of this section, subparagraph (B) of section 194(b)(1) shall be applied—

(A) by substituting ''$20,000'' for ''$10,000'', and

(B) by substituting ''$10,000'' for ''$5,000''.

(2) SPECIFIED QUALIFIED TIMBER PROPERTY.—The term ''specified qualified timber property'' means qualified timber property (within the meaning of section 194(c)(1) of the Internal Revenue Code of 1986) which is located in an area with respect to which a natural disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act as a result of—

(A) Hurricane Dennis,

(B) Hurricane Katrina,

(C) Hurricane Rita, or

(D) Hurricane Wilma.

TITLE VIII—MISCELLANEOUS

SEC. 801. INFRASTRUCTURE LOSSES.

(a) INFRASTRUCTURE LOSSES.—The Secretary shall compensate producers on a farm in a disaster county for costs incurred to repair or replace barns, greenhouses, shade houses, poultry houses, beehives, and other structures, equipment, and fencing that—

(1) was used to produce or store any agricultural commodity; and

(2) was damaged or destroyed by the hurricanes of calendar year 2005.

(b) TIMING OF ASSISTANCE.—The Secretary may provide assistance authorized under this section in the form of—

(1) reimbursement for eligible repair or replacement costs previously incurred by producers; or

(2) cash or in-kind assistance in advance of the producer undertaking the needed repair or replacement work.

(c) PAYMENT LIMITATIONS.—Assistance provided under this section to a producer for a repair or replacement project, together with amounts received for the same project from insurance proceeds or other sources, may not exceed 95 percent of the costs incurred to repair or replace the damaged or destroyed structures, equipment, or fencing, as estimated by the Secretary.

(d) LOAN ELIGIBILITY.—After approval of the county committee established under section 8 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h) for the county or other area in which the farming operation is located, the producers on a farm in a disaster county shall be eligible to receive an emergency loan under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) regardless of whether the producers satisfy the requirements of the first proviso of section 321(a) of that Act (7 U.S.C. 1961(a)).

SEC. 802. COMMODITY CREDIT CORPORATION.

Except as otherwise provided in this Act—

(1) the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this Act; and

(2) funds made available under this Act shall remain available until expended.

SEC. 803. EMERGENCY DESIGNATION.

The amounts provided under this Act or under amendments made by this Act to respond to the hurricanes of calendar year 2005 are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SEC. 804. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this Act and the amendments made by this Act.

(b) PROCEDURE.—The promulgation of the regulations and administration of this Act and the amendments made by this Act shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

By Mr. HATCH (for himself, Mrs. LINCOLN, Mr. SMITH, and Mr. KOHL):

S. 2010. A bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, with my good friend and colleague, Senator BLANCHE LINCOLN, I rise to introduce the Elder Justice Act of 2005. We are joined in this effort by Senator GORDON SMITH, the chairman of the Aging Committee, and Senator HERB KOHL, the ranking minority member of that committee.

As my colleagues may recall, Senator JOHN BREAUX and I introduced similar legislation in both the 107th and 108th Congresses, with the strong support of Senators LINCOLN, SMITH and KOHL. The bill was reported by the Finance Committee last year, but unfortunately it was not approved before we adjourned.

Although the number of older Americans is growing at a rapid pace, thousands of cases of elder abuse go unaddressed every day. The problem of elder abuse, neglect and exploitation has long been invisible and is probably one of the most serious issues facing seniors and their families.

Research in the field is scarce, but, by some estimates, up to five million cases of elder abuse, neglect and exploitation occur each year. Without more attention and more resources, far too many of these cases of abuse, neglect and exploitation will go unaddressed and far too many older Americans will suffer.

Few pressing social issues have been as systematically ignored as elder abuse. In fact, 25 years of congressional hearings on the devastating effects of elder abuse have found this problem to be a ''disgrace'' and a ''burgeoning national scandal.'' Yet, to date, no federal legislation has been enacted to address elder abuse in a comprehensive manner.

During that same time period, Congress passed comprehensive bills to address child abuse and crimes against women, yet there is not one full-time Federal employee working on elder abuse in the entire Federal Government.

The cost of elder abuse is high. This is true in terms of needless human suffering, inflated health care costs, limited Federal resources and the loss of one of our greatest national assets—the wisdom and experience of older citizens.

S. 2010 is designed to create a national focus on elder abuse to increase detection, prevention, prosecution and victim assistance. It ensures that states, communities, consumers and families will have access to the information and resources they need to confront this difficult issue.

By addressing law enforcement, social service and public health concerns, our bill uses the proven approach Congress has adopted to combat child abuse and violence against women.

I would like to take this opportunity to describe our legislation in more detail.

The Elder Justice Act establishes dual Offices of Elder Justice at the Departments of Justice, DOJ, and Health and Human Services, HHS, to coordinate Federal, State and local efforts to combat elder abuse in residential and institutional settings. In addition, an Elder Justice Coordinating Council will be established to make recommendations to the HHS Secretary and the Attorney General on coordinating activities of Federal agencies related to elder abuse. This Council is specifically mandated to advise us on legislation, model laws and other appropriate action on addressing elder abuse.

The bill creates an Advisory Board on Elder Abuse, Neglect and Exploitation to establish a short-term and long-term multi-disciplinary strategic plan for expanding the field of elder justice. The board would make recommendations to HHS, DOJ, and the Elder Justice Coordinating Council and submit to HHS, DOJ, and Congress information and recommendations on elder justice programs, activities and legislation.

The Elder Justice Act also directs the HHS Secretary to establish an Elder Resource Center to develop ways to collect, maintain and disseminate information relevant to consumers, families and providers in order to protect individuals from elder abuse and neglect. It is our hope that this Center will improve the quality, quantity and accessibility of information available on elder abuse. In addition, the bill establishes a National Elder Justice Library within the Center to serve as a centralized repository for materials on training, technical assistance and promising practices related to elder justice.

S. 2010 also improves, streamlines and promotes uniform collection and dissemination of national data related to elder abuse, neglect and exploitation. Today, data on elder abuse are very limited. The Director of the Centers for Disease Control and Prevention, CDC, is directed to develop a method for collecting national data regarding elder abuse and then create uniform national data reporting forms to help determine what a reportable event on elder abuse is.

The legislation includes several grants to combat elder abuse including grants to improve data collection activities on elder abuse prevention and prosecution of elder abuse cases. These grants would establish five Centers of Excellence nationwide to specialize in research, clinical practice and training related to elder abuse.

In addition, the HHS Secretary will award safe haven grants to six diverse communities to examine elder shelters to test various models for establishing safe havens. Elder victims' needs, which are rarely addressed, will be better met by supporting the creation of safe havens for seniors who are not safe where they live. Development of safe haven programs which focus on the special needs of at-risk elders and older victims are needed and necessary.

The legislation directs the HHS Secretary to award training grants to groups with responsibility for elder justice, eligible entities to provide care for those with dementia and certain entities to make recommendations on caring for underserved populations of seniors living in rural areas, minority populations, and Indian tribes. Training to combat elder abuse, neglect and exploitation will be supported both within individual disciplines and in multi-disciplines such as public health, social service and law enforcement settings.

In addition, our bill directs the Secretary to award fellowships to individuals so they may obtain training in both forensic pathology and geriatrics. An individual receiving such a fellowship shall provide training in forensic geriatrics to interdisciplinary teams of health care professionals. Grants also would be awarded to create programs to increase the number of health care professionals with geriatric training. Finally, the Elder Justice Act directs the HHS Secretary to award grants to conduct a national multimedia campaign to raise awareness on elder abuse.

Our legislation also requires a number of studies on elder abuse including one on the responsibilities of federal,

state and local governments in response to reports of elder abuse. This study would be to improve response time to elder abuse and reduce elder victimization.

In addition, the CDC Director is directed to conduct a study on the best method to address elder abuse from a public health perspective, including reducing elder abuse, neglect and exploitation committed by family members. Current statistics indicate that only 20 percent of elder abuse occurs in long-term care facilities and institutions—80 percent of elder abuse is committed in the home.

The bill also establishes new programs to assist victims and provides grants for education and training of law enforcement and prosecutors. It requires reporting of crimes in long-term care settings, creates a national criminal background check program for those employed by long-term care providers—something strongly advocated by Senator KOHL—and establishes a national nurse aide registry program based on recommendations by HHS.

Senior citizens cannot wait any longer for this legislation to pass.

More and more of us will enjoy longer life in relative health, but with this gift comes the responsibility to prevent the needless suffering too often borne by our frailest seniors.

In closing, I must note that our legislation has been endorsed by the Elder Justice Coalition, a national membership organization dedicated to eliminating elder abuse, neglect, and exploitation in America. This coalition, which has been a strong advocate and supporter of the Elder Justice Act, has 397 members.

This Congress, one of my top priorities is to get this bill signed into law, once and for all, so that elder justice will become a reality for those Americans who need it most. Our seniors deserve no less.

Mrs. LINCOLN. Mr. President, I am pleased to join my distinguished colleague, Senator HATCH, to introduce the Elder Justice Act of 2005. I am pleased that Senate Special Committee on Aging Chairman SMITH and Ranking Member KOHL are joining us as original cosponsors of this important legislation.

I have been a cosponsor of the Elder Justice Act since Senator BREAUX and Senator HATCH introduced the original bill in 2002. I joined them again as a cosponsor in 2003 and helped pass a version of the legislation out of the Senate Finance Committee in late 2004.

Unfortunately and regrettably, the Elder Justice Act failed to become law last year, despite the incredible leadership by Senator BREAUX and Senator HATCH. It has yet to become law despite the fact that our Nation continues to grow older and despite the fact that the tragedy of elder abuse, neglect, and exploitation continues.

Abuse of our senior citizens can be physical, sexual, psychological, or financial. The perpetrator may be a stranger, an acquaintance, a paid caregiver, a corporation, and sadly, even a spouse or another family member. Elder abuse happens everywhere, at all levels of income and in all geographic areas. No matter how rich you are, and no matter where you live, no one is immune.

Congress must make our seniors a priority and pass the Elder Justice Act as soon as possible.

This bill represents the culmination of 25 years of congressional hearings on the distressing effects of elder abuse. It represents a consensus agreement developed by the Elder Justice Coalition, a national organization dedicated to eliminating elder abuse, neglect, and exploitation in America. This bill reminds us of the fact that Congress has already passed comprehensive bills to address child abuse and violence against women but has continued to ignore the fact that we have no Federal law enacted to date on elder abuse.

Every older person has the right to be free of abuse, neglect, and exploitation. And the Elder Justice Act will enhance our knowledge about abuse of our seniors in all its terrible forms. It will elevate elder abuse to the national stage. Too many of our seniors suffer needlessly. Each year, anywhere between 500,000 and 5 million seniors in our country are abused, neglected, or exploited. And, sadly, most abuse goes unreported.

This historical problem will only get worse as 77 million baby boomers age.

The Elder Justice Act confronts elder abuse in the same ways we combat child abuse and violence against women: through law enforcement, public health programs, and social services at all levels of government. It also establishes research projects to assist in the development of future legislation.

The Elder Justice Act will take steps to make older Americans safer in their homes, nursing home facilities, and neighborhoods. It enhances detection of elder abuse and helps seniors recover from abuse after it starts. It increases collaboration between federal agencies and between Federal, State, local, and private entities, law enforcement, longterm care facilities, consumer advocates, and families to prevent and treat elder abuse.

Each of us will grow older, and if we're lucky, we will live for a very long time. A baby girl born today has a 50 percent chance of living until she is 100 years old. What will we gain if we fail to ensure that baby girl ages with dignity, free of abuse, neglect, and exploitation? As Hubert Humphrey said, ''The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy, and the handicapped.''

It is time for Congress to pass the first comprehensive federal law to address elder abuse, the Elder Justice Act of 2005, to ensure that those in the twilight of life are protected from abuse that threatens their safety, independence, and productivity.

Mr. SMITH. Mr. President, I rise in support of the Elder Justice Act.

My job as a Senator is to help protect and defend the freedoms of all Americans. As the Chairman of the Senate Aging Committee it is an expressed duty of mine to focus on one of our more vulnerable populations, older Americans.

All too often we concentrate our efforts to stop crime on crimes that are reported or easy to identify. However, crimes against the elderly are often never reported or identified. Many older Americans find themselves reliant on a caregiver or close one who is taking advantage of them physically or monetarily and have no means to take action against this individual. This scary and sad scenario happens more often then we would like to admit.

According to the best available estimates, between 1 and 2 million Americans age 65 or older have been injured, exploited, or otherwise mistreated by someone on whom they depended for care or protection. Too many older Americans suffer from the various forms of abuse and the legislation we are introducing today will take very important steps to stop the long ignored problem of elder abuse. The Elder Justice Act prevents and treats elder abuse by:

Improving prevention and intervention through funding projects to make older Americans safer in their homes, facilities, and neighborhoods. The bill specifically enhances long-term care staffing.

Creating forensic centers and targeting funding to develop expertise in the detection of signs of elder abuse.

Targeting funding to efforts to better find ways to mitigate the consequences of elder mistreatment.

Enhancing collaboration by supporting coordination between federal and local entities including consumer advocates, long-term care facilities and most importantly families.

My home state of Oregon has been a leader in many of these efforts. One program, the Elder Safe program IN Washington County, helps victims aged 65 and older after a crime is reported to police and continues to help them through the criminal justice system. Based at the Sheriff's Office, Elder Safe collaborates with the District Attorney's Office and the Department of Aging and Veterans' Services and all city police department to coordinate services to help seniors read legal documents or travel to the courthouse. Assistance from the Elder Safe program is tailored to the unique circumstance of each victim and may include personal support, court advocacy, or help filling out forms. It is important that we support programs, like the Elder Safe program, nationally. The Elder Justice Act will be a huge boost to our efforts. I urge my colleagues on both sides of the aisle to support this important bill.

Mr. KOHL. Mr. President, I rise today in strong support of the Elder Justice Act. I applaud the leadership and commitment that Senator HATCH and Senator LINCOLN have shown to protecting our Nation's senior citizens by reintroducing this legislation. As Ranking Member of the Special Committee on Aging, I am pleased to join Senator SMITH, our Chairman, as an original cosponsor of this important bill.

I also want to commend the bipartisan Elder Justice Coalition for its role in developing and moving this bill forward. In particular, I would like to acknowledge the contributions of Wisconsin members of the Coalition, including the Coalition of Wisconsin Aging Groups, the Wisconsin Association of Area Agencies on Aging, and the Wisconsin Board on Aging and Long Term Care, among many others. Passage of the Elder Justice Act is long overdue, and we look forward to working with the Coalition to ensure that it becomes law as soon as possible.

In the past forty years, our Nation has made great strides to address the ugly truth of child abuse and domestic violence in our society. We have made a difference by making comprehensive legislation designed to combat these terrible issues a top priority. Today, I ask the Congress to once again focus on the issue of abuse only this time, to focus on the grim reality of elder abuse, neglect and exploitation.

For the past 25 years, Congress has held hearings on the devastating effects of elder abuse; yet no comprehensive action has been taken. Abuse of the elderly is certainly nothing new, but as our Nation has aged and the Baby Boom generation stands on the cusp of retirement, the prevalence of elder abuse will only get worse. The time to act is now. The shame and scandal of abuse, neglect and exploitation of our Nation's seniors can no longer be ignored or tolerated.

I am pleased that the Elder Justice Act includes one of my top priorities—a provision mandating a national criminal background check system for nursing home, home health and other long-term care employees. While the vast majority of employees are hard-working, dedicated and professional, it is simply too easy for people with abusive and criminal backgrounds to find work in long term care.

Today, seven States, including my home State of Wisconsin, are engaged in a pilot project to require FBI criminal background checks before hiring a new employee. The Elder Justice Act will ensure that once the pilot is over, we will move to a national criminal background check system so seniors in all fifty states will be protected. I want to thank Senators HATCH and LINCOLN and their staff for working with me to once again include this provision as a key part of the Elder Justice Act. I very much appreciate their efforts and look forward to working with them to see that it becomes law.

In addition to the background check provision, the Elder Justice Act takes a number of steps to prevent and treat elder abuse. First, it will improve prevention and intervention by funding State and local projects that keep older Americans safe.

Second, it will improve collaboration by bringing together a variety of different Federal, State, local, and private entities to address elder abuse. The bill ensures that health officials, social services, law enforcement, long-term care facilities, consumer advocates and families are all working together to confront this problem.

Third, it will develop expertise to better detect elder abuse, neglect and exploitation, by training health professionals in both forensic pathology and geriatrics.

Fourth, it will develop victim assistance programs for at-risk seniors and create ''safe havens'' for seniors who are not safe where they live.

Finally, it will give extra resources to law enforcement officials to investigate cases of elder abuse and make them a top priority.

Once again, I thank Senators HATCH and LINCOLN for bringing the issue of elder abuse to the forefront by re-introducing this important legislation. I urge my colleagues to join us in supporting it.

By Mr. JEFFORDS (for himself and Mr. LEAHY):

S. 2011. A bill to require the Administrator of the Environmental Protection Agency to establish performance standards for fine particulates for certain pulp and paper mills, and for other purposes; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, today I am introducing the Tire Derived Fuel Safety Act of 2005 to ensure that Americans living near pulp and paper mills that burn tires for energy are protected from the potential harmful effects of air pollutants such as fine particulates.

As the price of oil and natural gas continues to rise, U.S. manufacturing facilities are seeking alternative energy sources. Pulp and paper mills, in particular, are replacing these high cost energy sources with lower cost tire derived fuels or TDF due to its high-energy value.

The burning of tires results in the emissions of particulates, carbon monoxide, sulfur oxides, nitrogen oxides, volatile organic compounds, PCBs, arsenic, cadmium, nickel, zinc, mercury, chromium and vanadium. These air pollutants can have serious health impacts on the people living downwind of facilities when effective emissions control technologies are not used.

Luckily, most U.S. pulp and paper mills that burn TDF have already installed electrostatic precipitators or fabric filters to control for fine particulate emissions. And, in fact, EPA's 1997 ''Air Emissions From Scrap Tire Combustion'' report states that it is not likely that a solid fuel combustor without add-on particulate controls—such as an ESP or fabric filter—could satisfy air emissions regulatory requirements in the United States.

Yet, that hasn't stopped International Paper from proposing to burn 72 tons a day of tires at its Ticonderoga, NY mill without the addition of commonly accepted emissions control technologies. Doing so jeopardizes the health of Vermonters and New Yorkers alike.

My bill requires EPA to issue performance standards for fine particulates for pulp and paper mills that switch to tire-derived fuels to ensure that all communities across United States are equally and fairly protected.

My bill also requires EPA to study and report to Congress on the health impacts of increased emissions, particularly fine particulates, from the use of TDF. It also requires EPA to work with Health and Human Services to document the rates of childhood diseases—particularly respiratory diseases—of children that live or attend school within a 20-mile radius of a pulp and paper mill burning TDF.

I invite my colleagues to join me in my efforts to ensure that all Americans are equally protected from the harmful effects of the burning of tire-derived fuel without adequate air pollution controls. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2011

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tire-Derived Fuel Safety Act of 2005''.

SEC. 2. COMBUSTION OF TIRE-DERIVED FUEL.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) ELIGIBLE MILL.—The term ''eligible mill'' means any pulp or paper mill (SIC code 2611 or 2621) that burns or proposes to burn tire-derived fuel.

(3) EMISSION.—The term ''emission'' means an emission into the air of—

(A) a criteria pollutant, including a fine particulate; or

(B) a hazardous air pollutant.

(4) TIRE-DERIVED FUEL.—The term ''tire-derived fuel'' means fuel derived from whole or shredded tires, including in combination with another fuel.

(b) REQUIREMENTS FOR APPROVAL.—

(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding any other provision of law, the Administrator shall not issue a permit under the Clean Air Act (42 U.S.C. 7401 et seq.), and shall object to the issuance of a permit under section 505(b) of that Act (42 U.S.C. 7661d(b)), authorizing the burning of tire-derived fuel at an eligible mill that is a major stationary source (as defined in section 111(a) of that Act (42 U.S.C. 7411(a))) unless—

(A) the Administrator has listed the source as part of a source category for which a performance standard has been established under subsection (c); and

(B) the source demonstrates to the satisfaction of the Administrator that the source—

(i) will install any control equipment required or make the necessary process changes before the date on which the source begins operation; and

(ii) will operate at or below the required emissions performance standards as demonstrated by data from a continuous emissions monitoring device.

(2) INTERIM PERMITS.—Notwithstanding paragraph (1), the Administrator may approve an interim permit (including a trial permit) to burn tire-derived fuel at a new eligible mill, or an eligible mill in existence on the date of enactment of this Act, that is a major stationary source (as defined in section 111(a) of the Clean Air Act (42 U.S.C. 7411(a))) that demonstrates to the satisfaction of the Administrator that the source—

(A) will install—

(i) an electrostatic precipitator;

(ii) a Kevlar baghouse; or

(iii) any other technology that achieves a reduction in emissions that is equivalent to the reduction achieved using an electrostatic precipitator or a Kevlar baghouse; and

(B) will operate at or below the required emissions performance standards as demonstrated by data from a continuous emissions monitoring device.

(c) STANDARDS FOR CERTAIN PULP AND PAPER MILLS.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator shall establish performance standards for fine particulates for—

(i) new eligible mills; and

(ii) eligible mills in existence on the date on which the standards are proposed.

(B) REQUIREMENTS.—In establishing standards under subparagraph (A), the Administrator shall—

(i) ensure that the standards would result in reductions in emission levels that are at least equal to reductions achieved through the use of an electrostatic precipitator or Kevlar baghouse; and

(ii) require pulp and paper mills that are in operation as of the date on which the standards are proposed, but that are not in compliance with those standards, to come into compliance with the standards by not later than 18 months after the effective date of the standards.

(2) STUDY AND REPORT ON GENERAL HEALTH EFFECTS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall conduct a study, and submit to Congress a report, on the impact on human health of increased emissions, especially fine particulates, from the use of tire-derived fuel.

(3) REPORT ON HEALTH EFFECTS ON CERTAIN CHILDREN.—As soon as practicable after the date of enactment of this Act, the Administrator, in coordination with the Secretary of Health and Human Services, shall submit to Congress a report that describes the rates of birth defects and childhood diseases (particularly respiratory and immune system diseases) of children that live or attend school within a 20-mile radius of any pulp and paper mill that burns tire-derived fuel.

By Mr. STEVENS (for himself, Mr. INOUYE, Ms. SNOWE, Ms. CANTWELL, Mr. VITTER, and Mrs. BOXER):

S. 2012. A bill to authorize appropriations to the Secretary of Commerce for the Magnuson-Stevens Fishery Conservation and Management Act for fiscal years 2006 through 2012, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Mr. President, today I come to the Senate, along with my good friend and coauthor, Senator DAN INOUYE of Hawaii, to introduce a bill to reauthorize the Magnuson-Stevens Fisheries Conservation and Management Act.

This legislation reauthorizes the law that manages and regulates fisheries in the United States exclusive economic zone. It is cosponsored by Senators SNOWE, CANTWELL, and VITTER.

The law was originally enacted in 1976. A that time it was titled the Fishery Conservation and Management Act. Senator Warren Magnuson and I developed the law after Warren sent me to monitor the law of the sea negotiations, which took place all over the world. A concept considered during these negotiations was the expansion of a coastal nation's sovereignty over its seaward waters out to 200 miles.

Warren and I took a bipartisan approach to the legislation and developed a bill that established our country's exclusive right to harvest fishery resources from 3 to 200 miles and put in place one of the most successful Federal-State management systems. This system recognized the complexity of our differing fish stocks and the unique regional approaches needed to manage these resources.

This is now the seventh authorization of the act we created over 30 years ago. It is the first reauthorization I have been a part of as chairman of the Commerce, Science, and Transportation Committee, which has jurisdiction over this legislation.

The Magnuson-Stevens Fishery Conservation and Management Act of 2005 implements many of the recommendations made by the U.S. Commission on Ocean Policy—the first such commission authorized by Congress to review our nation's ocean policies and laws in over 35 years. This was coauthored by my great friend from South Carolina, Senator Ernest Hollings. The Commission's recommendations were important to the development of this act we present to the Senate today.

The intent of this legislation is to authorize these recommendations and to build on some of the sound fishery management principles we passed in the Sustainable Fisheries Act in 1996, which was the last time we reauthorized the act.

Our bill will preserve and strengthen the regional fishery management councils. The eight regional councils located around the United States and Caribbean Islands are a model of Federal oversight benefiting from local innovation and management approaches. This reauthorization establishes a council training program designed to prepare members for the numerous legal, scientific, economic, and conflict of interest requirements which apply to the fishery management process. In addition, this reauthorization addresses concerns over the transparency of the regional council process—it provides additional financial disclosure requirements for council members and clarifies the act's conflict of interest and recusal requirements.

In order to prevent overfishing and preserve the sustainable harvest of fishery resources in all eight regional council jurisdictions, this bill mandates the use of annual catch limits which shall not be exceeded. Under the 1996 Sustainable Fisheries Act, overfishing of overfished stocks was to end. To meet this goal, we required the implementation of rebuilding plans which would restore any overfished species to sustainable levels. It has been almost 10 years since we passed the Sustainable Fisheries Act and overfishing of overfished stocks remains a significant problem. The legislation we are introducing today requires every fishery management plan to contain an annual catch limit which is set at or below optimum yield, based on the best scientific information available.

This bill also requires that any harvests exceeding the annual catch limit be deducted from the annual catch limit for the following year.

An important recommendation from the U.S. Commission on Ocean Policy was to establish national standards for quota programs. Our legislation establishes national guidelines for the harvesting of fish for limited access privilege programs, which are also called LAPPs. These guidelines would require that any LAPP must accomplish important objectives, including: assisting in rebuilding an overfished fishery; reducing capacity in a fishery that is overcapitalized; promoting the safety of human life at sea; promoting conservation and management; and providing a system for monitoring, management, and enforcement of the program.

The regional councils, the administration, and to a lesser extent the U.S. Commission on Ocean Policy, all recommended we address the inconsistencies between the Magnuson-Stevens Act and the National Environmental Protection Act. They recommended we resolve timeline or ''process'' issues which have required councils to spend much of their time and funding developing litigation-proof environmental impact statements and environmental assessments under NEPA.

This bill provides a uniform process under which councils can consider the substantive requirements of NEPA while adhering to the timelines found in Magnuson-Stevens when they are developing fishery management plans, plan amendments, and regulations.

Several of the provisions in this bill strengthen the role of science in council decisionmaking, which was another strong recommendation made by the U.S. Commission on Ocean Policy. Our bill specifies that the scientific and statistical committees, called SSCs, are to provide their councils with ongoing scientific advice needed for management decisions. This may include

recommendations on acceptable biological catch or optimum yield, annual catch limits, or other mortality limits. The SSCs are also expected to advise the councils on a variety of other issues, including stock status and health, bycatch, habitat status, and socioeconomic impacts.

We have enhanced the overall effectiveness of this act by improving data collection and management. Our legislation authorizes a national cooperative research and management program, which would be implemented on a regional basis and conducted through partnerships between Federal and State managers, commercial and recreational fishing industry participants, and scientists. This will improve data related to recreational fisheries by establishing a new national program for the registration of marine recreational fishermen who fish in Federal waters. Our legislation also directs the secretary, in cooperation with the councils, to create a regionally based bycatch reduction engineering program which will develop technological devices and engineering techniques for minimizing bycatch, bycatch mortality, and post-release mortality.

The Magnuson-Stevens Act has worked well. It has enabled effective conservation and management of our fishery resources and allowed for sustainable harvests. Both the U.S. Commission on Ocean Policy and the Pew Oceans Commission singled out the fisheries managed by the North Pacific Council—which does not have an overfished or endangered species of fish—as an example of proper fisheries management.

Let me say that again. They singled out the fisheries management by the North Pacific Council, which does not have an overfished or endangered species of fish, as an example of proper fisheries management.

The council consistently sets an optimum yield far below the acceptable biological catch, and the fisheries in its jurisdiction have remained sustainable and abundant. That is the North Pacific Council, Mr. President. Our goal is to build upon this success and ensure the sustainability of this resource for generations to come.

Unfortunately, management internationally and especially on the high-seas is lacking. Industrial foreign fleets continue to expand and fish in remote and deep parts of the oceans. When we first developed this legislation over 30 years ago, such practices were unimaginable. The illegal, unreported, and unregulated—we call this IUU—fishing on the high-seas now threatens the good management taking place in U.S. waters that we control.

Our bill strengthens U.S. leadership in international conservation and management. It requires the Secretary of Commerce to establish an international compliance and monitoring program and to provide Congress with reports on our progress in reducing IUU fishing. This bill also requires the Secretary to promote international cooperation and strengthen the ability of regional fishery management organizations to combat IUU and other harmful fishing practices. In addition, this legislation allows the use of measures authorized under the High Seas Driftnet Act to force compliance in cases where regional or international fishery management organizations are unable to stop IUU fishing.

I have been pleased with the bipartisan approach we have taken on this bill. My co-chairman, Senator INOUYE, and I have worked together on this reauthorization, and I look forward to working with my colleagues on the Commerce Committee to move this legislation forward.

By Mr. STEVENS (for himself and Mr. INOUYE):

S. 2013. A bill to amend the Marine Mammal Protection Act of 1972 to implement the Agreement on the Conservation and Management of the Alaska-Chukotka Polar Bear Population; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Mr. President, I introduce today a bill to implement the provisions of the ''Agreement Between the Government of the United States of America and the Government of the Russian Federation on the Conservation and Management of the Alaska-Chukotka Polar Bear Population''. This bill is co-sponsored by Senator INOUYE.

The United States-Russia Polar Bear Conservation and Management Implementation Act of 2005 will amend the Marine Mammal Protection Act adding provisions to create a binational U.S. and Russian Polar Bear Commission. This commission will be authorized to determine annual take limits and the adoption of other measures to restrict the taking of polar bears for subsistence purposes. The Commission will also identify polar bear habitats and ''develop recommendations for habitat conservation measures.'' Additionally, it prohibits the possession, import, export, transport, sale, receipt, acquisition, or purchase of any polar bear, or any part or product thereof, that is taken in violation of the Agreement.

This bill will simultaneously support the conservation of U.S. and Russian Polar Bear populations and the historical traditions of indigenous peoples in the arctic region.

This implementing legislation for the Polar Bear Treaty is necessary to establish the needed regulatory and management entities in both the U.S. and Russia. The shared population of Polar Bears that migrate between our two nations deserve the added protections and conservation this bill will provide.

The U.S.-Russian Polar Bear Treaty was completed and signed by both countries on October 16, 2000. The Senate Foreign Relations Committee held a hearing on the treaty in June of 2003, and reported it out favorably on July 23, 2003. The full Senate agreed to the resolution of advice and consent on the treaty on July 31, 2003. This legislation is needed for the U.S. to ratify and implement the treaty. The administration is supportive of the treaty and the proposed legislation, as are Alaska Natives, the State of Alaska, and conservation groups.

Russia has indicated that once the U.S. ratifies the treaty, it will promptly do the same.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 312—EXPRESSING THE SENSE OF THE SENATE REGARDING THE NEED FOR THE UNITED STATES TO ADDRESS GLOBAL CLIMATE CHANGE THROUGH THE NEGOTIATION OF FAIR AND EFFECTIVE INTERNATIONAL COMMITMENTS

Mr. LUGAR (for himself and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 312

Whereas there is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate;

Whereas there are significant long-term risks to the economy and the environment of the United States from the temperature increases and climatic disruptions that are projected to result from increased greenhouse gas concentrations;

Whereas the potential impacts of global climate change, including long-term drought, famine, mass migration, and abrupt climatic shifts, may lead to international tensions and instability in regions affected and thereby have implications for the national security interests of the United States;

Whereas the United States, as the largest economy in the world, is also the largest greenhouse gas emitter;

Whereas the greenhouse gas emissions of the United States are currently projected to continue to rise;

Whereas the greenhouse gas emissions of developing countries are rising more rapidly than the emissions of the United States and will soon surpass the greenhouse gas emissions of the United States and other developed countries;

Whereas reducing greenhouse gas emissions to the levels necessary to avoid serious climatic disruption requires the introduction of new energy technologies and other climate friendly technologies, the use of which results in low or no emissions of greenhouse gases or in the capture and storage of greenhouse gases;

Whereas the development and sale of climate-friendly technologies in the United States and internationally presents economic opportunities for workers and businesses in the United States;

Whereas climate-friendly technologies can improve air quality by reducing harmful pollutants from stationary and mobile sources, and can enhance energy security by reducing reliance on imported oil, diversifying energy sources, and reducing the vulnerability of energy delivery infrastructure;

Whereas other industrialized countries are undertaking measures to reduce greenhouse gas emissions, which provides the industries in those countries with a competitive advantage in the growing global market for climate-friendly technologies;

Whereas efforts to limit emissions growth in developing countries in a manner that is consistent with the development needs of those countries could establish significant markets for climate-friendly technologies and contribute to international efforts to address climate change;

Whereas the United States is a party to the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force in 1994 (hereinafter referred to as the ''Convention'');

Whereas the Convention sets a long-term objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system;

Whereas the Convention establishes that parties bear common but differentiated responsibilities for efforts to achieve the objective of stabilizing greenhouse gas concentrations;

Whereas an effective global effort to address climate change must provide for commitments and action by all countries that are major emitters of greenhouse gases, developed and developing alike, and the widely varying circumstances among the developed and developing countries may require that such commitments and action vary; and

Whereas the United States has the capability to lead the effort against global climate change: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should act to reduce the health, environmental, economic, and national security risks posed by global climate change and foster sustained economic growth through a new generation of technologies, by—

(1) participating in negotiations under the United Nations Framework Convention on Climate Change, done at New York May 9, 1992, and entered into force in 1994, and leading efforts in other international fora, with the objective of securing United States participation in agreements that—

(A) advance and protect the economic and national security interests of the United States;

(B) establish mitigation commitments by all countries that are major emitters of greenhouse gases, consistent with the principle of common but differentiated responsibilities;

(C) establish flexible international mechanisms to minimize the cost of efforts by participating countries; and

(D) achieve a significant long-term reduction in global greenhouse gas emissions; and

(2) establishing a bipartisan Senate observer group, the members of which shall be designated by the chairman and ranking member of the Committee on Foreign Relations of the Senate, to—

(A) monitor any international negotiations on climate change; and

(B) ensure that the advice and consent function of the Senate is exercised in a manner to facilitate timely consideration of any applicable treaty submitted to the Senate.

SENATE RESOLUTION 313—EXPRESSING THE SENSE OF THE SENATE THAT A NATIONAL METHAMPHETAMINE PREVENTION WEEK SHOULD BE ESTABLISHED TO INCREASE AWARENESS OF METHAMPHETAMINE AND TO EDUCATE THE PUBLIC ON WAYS TO HELP PREVENT THE USE OF THAT DAMAGING NARCOTIC

Ms. CANTWELL submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 313

Whereas methamphetamine is a highly addictive, man-made drug that can be injected, snorted, smoked, or ingested orally, the effects of which include feelings of euphoria that last for up to 24 hours and psychotic behavior such as auditory hallucinations, mood disturbances, delusions, and paranoia, potentially causing the user to experience homicidal or suicidal thoughts as well as violent behavior and brain damage;

Whereas the number of admissions to treatment in which methamphetamine was the primary substance of abuse increased exponentially from 20,776 in 1993 to 116,604 in 2003;

Whereas methamphetamine is easily produced in clandestine laboratories, known as ''meth labs'', using a variety of volatile and toxic ingredients available in stores, and presents a danger to the individual preparing the methamphetamine, the community surrounding the laboratory, and the law enforcement personnel who discover the laboratory;

Whereas the Drug Enforcement Administration reports that domestic meth lab seizures have increased from 7,438 in 1999 to 17,170 in 2004;

Whereas studies have found that methamphetamine use is strongly linked to identity theft, domestic violence, overall crime rates, child abuse, and child neglect;

Whereas the National Association of Counties has conducted surveys with law enforcement and child welfare officials in more than 500 counties, and found that 87 percent of all law enforcement agencies surveyed reported increases in methamphetamine-related arrests in recent years, and 40 percent of all the child welfare officials in the survey reported increased out-of-home placements of children due to methamphetamine use;

Whereas methamphetamine use and production is prevalent around the world;

Whereas approximately 65 percent of the methamphetamine supply in the United States is trafficked in the form of a finished product from other countries;

Whereas the United Nations Office on Drugs and Crime reports that more than 30,000,000 people around the world use amphetamine-type stimulants, a number that eclipses the combined global use of cocaine and heroin;

Whereas methamphetamine and narcotics task forces, judges, prosecutors, defense attorneys, substance abuse treatment and rehabilitation professionals, law enforcement officials, researchers, students and educators, community leaders, parents, and others dedicated to fighting methamphetamine have a profound influence within their communities; and

Whereas the establishment of a National Methamphetamine Prevention Week would increase awareness of methamphetamine and educate the public on effective ways to help prevent methamphetamine use at the international, Federal, State, and local levels: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and educate the public on effective ways to help prevent methamphetamine use at the international, Federal, State, and local levels; and

(2) the people of the United States and interested groups should be encouraged to observe National Methamphetamine Prevention Week with appropriate ceremonies and activities.

SENATE RESOLUTION 314—DESIGNATING THURSDAY, NOVEMBER 17, 2005, AS ''FEED AMERICA THURSDAY''

Mr. HATCH (for himself and Mr. BENNETT) submitted the following resolution; which was considered and agreed to:

S. RES. 314

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which our Nation was founded;

Whereas 33,000,000 Americans, including 13,000,000 children, continue to live in households that do not have an adequate supply of food;

Whereas almost 3,000,000 of those children experience hunger; and

Whereas selfless sacrifice breeds a genuine spirit of Thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

Resolved, That the Senate—

(1) designates Thursday, November 17, 2005, as ''Feed America Thursday''; and

(2) calls upon the people of the United States to sacrifice 2 meals on Thursday, November 17, 2005, and to donate the money that they would have spent on food to a religious or charitable organization of their choice for the purpose of feeding the hungry.

SENATE RESOLUTION 315—TO COMMEMORATE THE BICENTENNIAL ANNIVERSARY OF THE ARRIVAL OF LEWIS AND CLARK AT THE PACIFIC OCEAN

Ms. CANTWELL (for herself, Mr. WYDEN, and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 315

Whereas, on January 18, 1803, President Thomas Jefferson began an extraordinary journey by sending a secret message to Congress requesting approval and funding to establish the ''Corps of Volunteers for Northwest Discovery'' to explore the most direct and practical water route across the continent of the United States all the way to the Pacific Ocean;

Whereas, on May 14, 1804, the journey up the Missouri River and across the vast and newly acquired Louisiana Territory began at Camp Dubois, Illinois, led by Captain Meriwether Lewis and Second Lieutenant William Clark;

Whereas after a long year and a half and 4,133 arduous miles, the expedition endured a dangerous storm of wind, rain, and waves for 6 days at Clark's Dismal Nitch;

Whereas, on November 13, 1805, the Corps of Discovery moved further west to Station Camp and beheld their first comprehensive view of the Pacific Ocean, and thereby began

the realization of the vision of President Jefferson of a country ''from sea to shining sea'';

Whereas Station Camp also marks the occurrence of a historical democratic vote to determine where to stay for winter that included all members of the expedition, including Sacagawea, an Indian woman, and York, an African American slave;

Whereas, on November 19, 1805, Clark and 11 of his men set out on an ocean excursion, hiking 25 miles to Cape Disappointment to get a complete view of the Pacific Ocean and reach the furthest western point of the expedition;

Whereas the expedition built their winter camp on the south side of the Columbia River at Fort Clatsop, Oregon, named in honor of the friendly local Clatsop Indians, and the 33 member party spent 106 days among lush old-growth forest, wetlands, and wildlife preparing for their long journey back to St. Louis, Missouri;

Whereas Lewis and Clark's Corps of Discovery produced detailed journals with maps, charts, samples, and descriptions of the previously undocumented western geography, climate, plants, animals, and native cultures from which the Nation continues to benefit today;

Whereas the Lewis and Clark Expedition marks a significant benchmark in American history and a crucial step in securing the claim and the eventual creation of all the States in the Pacific Northwest;

Whereas the exploration of the western frontier of our fledgling Nation was the great odyssey of America, symbolic of the core values of teamwork, courage, perseverance, science, and opportunity held by the United States;

Whereas, on October 30, 2004, President George W. Bush signed into law legislation creating the Lewis and Clark National Historical Park which preserves these 3 Washington State sites integral to the dramatic arrival of the expedition at the Pacific Ocean, and incorporates Fort Clatsop of Oregon and important State parks for the benefit and education of generations to come; and

Whereas, during November 2005, Washington and Oregon are hosting, ''Destination: The Pacific'', a unique commemoration of the 200 year anniversary of the arrival of the Corps of Discovery in the Pacific Northwest: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the bicentennial anniversary of the arrival of Lewis and Clark at the Pacific Ocean; and

(2) recognizes that by exploring the unknown frontier, Lewis and Clark expanded the boundaries of our great Nation and pushed the limits of what we are capable of as citizens.

SENATE RESOLUTION 316—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS SHOULD NOT BE ALLOWED TO EXERCISE CONTROL OVER THE INTERNET

Mr. COLEMAN (for himself, Mr. WARNER, Mr. PRYOR, Mr. SMITH, and Mr. DEMINT) submitted the following resolution; which was referred to the Committee on the Foreign Relations:

S. RES. 316

Whereas market-based policies and private sector leadership have given the Internet the flexibility to evolve;

Whereas given the importance of the Internet to the global economy, it is essential that the underlying domain name system and technical infrastructure of the Internet remain stable and secure;

Whereas the Internet was created in the United States and has flourished under United States supervision and oversight, and the Federal Government has followed a path of transferring Internet control from the defense sector to the civilian sector, including the Internet Corporation for Assigned Names and Numbers (ICANN) with the goal of full privatization;

Whereas the developing world deserves the access to knowledge, services, commerce, and communication, the accompanying benefits to economic development, education, and health care, and the informed discussion that is the bedrock of democratic self-government that the Internet provides;

Whereas the explosive and hugely beneficial growth of the Internet did not result from increased government involvement but from the opening of the Internet to commerce and private sector innovation;

Whereas on June 30, 2005, President George W. Bush announced that the United States intends to maintain its historic role over the master ''root zone'' file of the Internet, which lists all authorized top-level Internet domains;

Whereas the recently articulated principles of the United States on the domain name and addressing system of the Internet (DNS) are that—

(1) the Federal Government will—

(A) preserve the security and stability of the DNS;

(B) take no action with the potential to adversely affect the effective and efficient operation of the DNS; and

(C) maintain the historic role of the United States regarding modifications to the root zone file;

(2) governments have a legitimate interest in the management of country code top level domains (ccTLD);

(3) the United States is committed to working with the international community to address the concerns of that community in accordance with the stability and security of the DNS;

(4) ICANN is the appropriate technical manager of the Internet, and the United States will continue to provide oversight so that ICANN maintains focus and meets its core technical mission; and

(5) dialogue relating to Internet governance should continue in multiple relevant fora, and the United States encourages an ongoing dialogue with all stakeholders and will continue to support market-based approaches and private sector leadership;

Whereas the final report issued by the Working Group on Internet Governance (WGIG), established by the United Nations Secretary General in accordance with a mandate given during the first World Summit on the Information Society, and comprised of 40 members from governments, private sector, and civil society, issued 4 possible models, 1 of which envisages a Global Internet Council that would assume international Internet governance;

Whereas that report contains recommendations for relegating the private sector and nongovernmental organizations to an advisory capacity;

Whereas the European Union has also proposed transferring control of the Internet, including the global allocation of Internet Protocol number blocks, procedures for changing the root zone file, and rules applicable to DNS, to a ''new model of international cooperation'' which could confer significant leverage to the Governments of Iran, Cuba, and China, and could impose an undesirable layer of politicized bureaucracy on the operations of the Internet that could result in an inadequate response to the rapid pace of technological change;

Whereas some nations that advocate radical change in the structure of Internet governance censor the information available to their citizens through the Internet and use the Internet as a tool of surveillance to curtail legitimate political discussion and dissent, and other nations operate telecommunications systems as state-controlled monopolies or highly-regulated and highly-taxed entities;

Whereas some nations in support of transferring Internet governance to an entity affiliated with the United Nations, or another international entity, might seek to have such an entity endorse national policies that block access to information, stifle political dissent, and maintain outmoded communications structures;

Whereas the structure and control of Internet governance has profound implications for homeland security, competition and trade, democratization, free expression, access to information, privacy, and the protection of intellectual property, and the threat of some nations to take unilateral actions that would fracture the root zone file would result in a less functional Internet with diminished benefits for all people;

Whereas the Declaration of Principles of the First World Summit on the Information Society, held in Geneva in 2003, delegates from 175 nations declared the ''common desire and commitment to build a people-centered, inclusive and development oriented Information Society, where everyone can create, access, utilize and share information and knowledge'';

Whereas delegates at the First World Summit also reaffirmed, ''as an essential foundation of the Information Society, and as outlined in Article 19 of the Universal Declaration of Human Rights, that everyone has the right to freedom of opinion and expression'' and that ''this right includes freedom to hold opinions without interference and to seek, receive and import information and ideas through any media and regardless of frontiers'';

Whereas the United Nations Secretary General has stated the objective of the 2005 World Summit on the Information Society in Tunis is to ensure ''benefits that new information and communication technologies, including the Internet, can bring to economic and social development'' and that ''to defend the Internet is to defend freedom itself''; and

Whereas discussions at the November 2005 World Summit on the Information Society may include discussion of transferring control of the Internet to a new intergovernmental entity, and could be the beginning of a prolonged international debate regarding the future of Internet governance: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the President to continue to oppose any effort to transfer control of the Internet to the United Nations or any other international entity;

(2) applauds the President for—

(A) clearly and forcefully asserting that the United States has no present intention of relinquishing the historic leadership role the United States has played in Internet governance; and

(B) articulating a vision of the future of the Internet that places privatization over politicization with respect to the Internet; and

(3) calls on the President to—

(A) recognize the need for, and pursue a continuing and constructive dialogue with

the international community on, the future of Internet governance; and

(B) advance the values of an open Internet in the broader trade and diplomatic conversations of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2525. Mr. WARNER (for Mr. SMITH) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SA 2526. Mr. WARNER (for Mrs. HUTCHISON (for herself and Mr. NELSON of Florida)) proposed an amendment to the bill S. 1042, supra.

SA 2527. Mr. WARNER (for Mr. ENSIGN) proposed an amendment to the bill S. 1042, supra.

SA 2528. Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill S. 1042, supra.

SA 2529. Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill S. 1042, supra.

SA 2530. Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill S. 1042, supra.

SA 2531. Mr. WARNER (for Ms. SNOWE (for herself and Mr. KERRY)) proposed an amendment to the bill S. 1042, supra.

SA 2532. Mr. WARNER (for Mr. KERRY) proposed an amendment to the bill S. 1042, supra.

SA 2533. Mr. WARNER (for Mr. LAUTENBERG) proposed an amendment to the bill S. 1042, supra.

SA 2534. Mr. WARNER (for Mr. KENNEDY (for himself and Mr. CHAMBLISS)) proposed an amendment to the bill S. 1042, supra.

SA 2535. Mr. WARNER (for Mr. INHOFE) proposed an amendment to the bill S. 1042, supra.

SA 2536. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, supra.

SA 2537. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2538. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2539. Mr. WARNER (for Mr. CHAMBLISS) proposed an amendment to the bill S. 1042, supra.

SA 2540. Mr. WARNER (for Mr. ISAKSON) proposed an amendment to the bill S. 1042, supra.

SA 2541. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2542. Mr. WARNER (for Mr. DEWINE) proposed an amendment to the bill S. 1042, supra.

SA 2543. Mr. WARNER (for Mr. ALLEN (for himself, Mr. DEWINE, and Mr. WARNER)) proposed an amendment to the bill S. 1042, supra.

SA 2544. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2545. Mr. WARNER (for himself, Mr. LEVIN, and Mr. BINGAMAN) proposed an amendment to the bill S. 1042, supra.

SA 2546. Mr. WARNER (for Mr. DAYTON (for himself, Mrs. MURRAY, and Ms. COLLINS)) proposed an amendment to the bill S. 1042, supra.

SA 2547. Mr. WARNER (for Mr. BYRD) proposed an amendment to the bill S. 1042, supra.

SA 2548. Mr. WARNER (for Mr. REID) proposed an amendment to the bill S. 1042, supra.

SA 2549. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2550. Mr. WARNER (for Mr. LOTT (for himself and Mr. CORNYN)) proposed an amendment to the bill S. 1042, supra.

SA 2551. Mr. WARNER (for Mr. LEVIN) proposed an amendment to the bill S. 1042, supra.

SA 2552. Mr. WARNER (for Mr. KENNEDY (for himself and Mrs. FEINSTEIN)) proposed an amendment to the bill S. 1042 supra.

SA 2553. Mr. WARNER (for Ms. SNOWE (for herself and Ms. COLLINS)) proposed an amendment to the bill S. 1042, supra.

SA 2554. Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill S. 1042, supra.

SA 2555. Mr. WARNER (for Mr. HAGEL) proposed an amendment to the bill S. 1042, supra.

SA 2556. Mr. WARNER (for Mr. NELSON of Florida) proposed an amendment to the bill S. 1042, supra.

SA 2557. Mr. WARNER (for Mr. GRAHAM) proposed an amendment to the bill S. 1042, supra.

SA 2558. Mr. WARNER (for Mr. SALAZAR) proposed an amendment to the bill S. 1042, supra.

SA 2559. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2560. Mr. WARNER (for Mr. FEINGOLD) proposed an amendment to the bill S. 1042, supra.

SA 2561. Mr. WARNER (for Mr. BYRD) proposed an amendment to the bill S. 1042, supra.

SA 2562. Mr. WARNER (for Mr. CRAIG (for himself, Mr. ROBERTS, Mr. BROWNBACK, Ms. MIKULSKI, Mr. WARNER, and Mr. SALAZAR)) proposed an amendment to the bill S. 1042, supra.

SA 2563. Mr. WARNER (for Mr. FEINGOLD) proposed an amendment to the bill S. 1042, supra.

SA 2564. Mr. WARNER (for Mr. MARTINEZ (for himself and Mr. WARNER)) proposed an amendment to the bill S. 1042, supra.

SA 2565. Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 1042, supra.

SA 2566. Mr. WARNER (for Mr. MCCONNELL) proposed an amendment to the bill S. 1042, supra.

SA 2567. Mr. WARNER (for Mr. MCCONNELL) proposed an amendment to the bill S. 1042, supra.

SA 2568. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, supra.

SA 2569. Mr. WARNER (for Mr. SALAZAR) proposed an amendment to the bill S. 1042, supra.

SA 2570. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2571. Mr. WARNER (for Ms. COLLINS (for herself and Ms. SNOWE)) proposed an amendment to the bill S. 1042, supra.

SA 2572. Mr. WARNER (for Mr. DURBIN (for himself, Mr. VITTER, Mr. WYDEN, Mr. DAYTON, Ms. LANDRIEU, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. SCHUMER)) proposed an amendment to the bill S. 1042, supra.

SA 2573. Mr. WARNER (for Mr. DEWINE) proposed an amendment to the bill S. 1042, supra.

SA 2574. Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill S. 1042, supra.

SA 2575. Mr. WARNER (for himself and Mr. MCCAIN) proposed an amendment to the bill S. 1042, supra.

SA 2576. Mr. WARNER (for Mr. BYRD) proposed an amendment to the bill S. 1042, supra.

SA 2577. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2578. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2579. Mr. WARNER (for Mr. BAYH) proposed an amendment to the bill S. 1042, supra.

SA 2580. Mr. SANTORUM (for Mr. FRIST) proposed an amendment to the bill H.R. 1499, To amend the Internal Revenue Code of 1986 to allow members of the ArmedForces serving in a combat zone to make contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income.

TEXT OF AMENDMENTS

SA 2525. Mr. WARNER (for Mr. SMITH) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 213, between lines 2 and 3, insert the following:

SEC. 807. TEMPORARY INAPPLICABILITY OF BERRY AMENDMENT TO PROCUREMENTS OF SPECIALTY METALS USED TO PRODUCE FORCE PROTECTION EQUIPMENT.

(a) IN GENERAL.—Section 2533a(a) of title 10, United States Code, shall not apply to the procurement, during the 2-year period beginning on the date of the enactment of this Act, of specialty metals if such specialty metals are used to produce force protection equipment needed to prevent combat fatalities in Iraq or Afghanistan.

(b) TREATMENT OF PROCUREMENTS WITHIN PERIOD.—For the purposes of subsection (a), a procurement shall be treated as being made during the 2-year period described in that subsection to the extent that funds are obligated by the Department of Defense for that procurement during that period.

SA 2526. Mr. WARNER (for Mrs. HUTCHISON (for herself and Mr. NELSON of Florida)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING MANNED SPACE FLIGHT.

(a) FINDINGS.—The Congress finds that—

(1) human spaceflight preeminence allows the United States to project leadership around the world and forms an important component of United States national security;

(2) continued development of human spaceflight in low-Earth orbit, on the Moon, and beyond adds to the overall national strategic posture;

(3) human spaceflight enables continued stewardship of the region between the earth and the Moon—an area that is critical and of growing national and international security relevance;

(4) human spaceflight provides unprecedented opportunities for the United States to lead peaceful and productive international relationships with the world community in support of United States security and geopolitical objectives;

(5) a growing number of nations are pursuing human spaceflight and space-related capabilities, including China and India;

(6) past investments in human spaceflight capabilities represent a national resource that can be built upon and leveraged for a broad range of purposes, including national and economic security; and

(7) the industrial base and capabilities represented by the Space Transportation System provide a critical dissimilar launch capability for the nation.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that it is in the national security interest of the United States to maintain preeminence in human spaceflight.

SA 2527. Mr. WARNER (for Mr. ENSIGN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 286, between lines 7 and 8, insert the following:

SEC. 1073. ANNUAL REPORT ON COSTS TO CARRY OUT UNITED NATIONS RESOLUTIONS.

(a) REQUIREMENT FOR ANNUAL REPORT.—The Secretary of Defense and the Secretary of State shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives an annual report that sets forth all direct and indirect costs (including incremental costs) incurred by the Department of Defense during the preceding year in implementing or supporting any resolution adopted by the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, international peace enforcement operations, monitoring missions, observer missions, or humanitarian missions undertaken by the Department of Defense. Each such report shall include an aggregate of all such Department of Defense costs by operation or mission, the percentage of the United States contribution by operation or mission, and the total cost of each operation or mission.

(b) COSTS FOR ASSISTING FOREIGN TROOPS.—The Secretary of Defense and the Secretary of State shall detail in each annual report required by this section all direct and indirect costs (including incremental costs) incurred in training, equipping, and otherwise assisting, preparing, resourcing, and transporting foreign troops for implementing or supporting any resolution adopted by the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, international peace enforcement operations, monitoring missions, observer missions, or humanitarian missions.

(c) CREDIT AND COMPENSATION.—The Secretary of Defense and the Secretary of State shall detail in each annual report required by this section all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

(d) FORM OF REPORT.—Each annual report required by this section shall be submitted in unclassified form, but may include a classified annex.

SA 2528. Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 237, after line 17, insert the following:

SEC. 846. EXCLUSION OF CERTAIN SECURITY EXPENSES FROM CONSIDERATION FOR PURPOSE OF SMALL BUSINESS SIZE STANDARDS.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)), is amended by adding at the end the following:

''(4) EXCLUSION OF CERTAIN SECURITY EXPENSES FROM CONSIDERATION FOR PURPOSE OF SMALL BUSINESS SIZE STANDARDS.—

''(A) DETERMINATION REQUIRED.—Not later than 30 days after the date of enactment of this paragraph, the Administrator shall review the application of size standards established pursuant to paragraph (2) to small business concerns that are performing contracts in qualified areas and determine whether it would be fair and appropriate to exclude from consideration in the average annual gross receipts of such small business concerns any payments made to such small business concerns by Federal agencies to reimburse such small business concerns for the cost of subcontracts entered for the sole purpose of providing security services in a qualified area.

''(B) ACTION REQUIRED.—Not later than 60 days after the date of enactment of this paragraph, the Administrator shall either—

''(i) initiate an adjustment to the size standards, as described in subparagraph (A), if the Administrator determines that such an adjustment would be fair and appropriate; or

''(ii) provide a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives explaining in detail the basis for the determination by the Administrator that such an adjustment would not be fair and appropriate.

''(C) QUALIFIED AREAS.—In this paragraph, the term 'qualified area' means—

''(i) Iraq,

''(ii) Afghanistan, and

''(iii) any foreign country which included a combat zone, as that term is defined in section 112(c)(2) of the Internal Revenue Code of 1986, at the time of performance of the relevant Federal contract or subcontract.''.

SA 2529. Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 237, after line 17, insert the following:

SEC. 846. SMALL BUSINESS CONTRACTING IN OVERSEAS PROCUREMENTS.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

''(3) SMALL BUSINESS CONTRACTING IN OVERSEAS PROCUREMENTS.—

''(A) STATEMENT OF CONGRESSIONAL POLICY.—It is the policy of the Congress that Federal agencies shall endeavor to meet the contracting goals established under this subsection, regardless of the geographic area in which the contracts will be performed.

''(B) AUTHORIZATION TO USE CONTRACTING MECHANISMS.—Federal agencies are authorized to use any of the contracting mechanisms authorized in this Act for the purpose of complying with the Congressional policy set forth in subparagraph (A).

''(C) REPORT TO CONGRESSIONAL COMMITTEES.—Not later than 1 year after the date of enactment of this paragraph, the Administrator and the Chief Counsel for Advocacy shall submit to the Committee on Small Business and Entrepreneurship of the Senate and Committee on Small Business of the House of Representatives a report on the activities undertaken by Federal agencies, offices, and departments to carry out this paragraph.''.

SA 2530. Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 237, after line 17, insert the following:

SEC. 846. FAIR ACCESS TO MULTIPLE-AWARD CONTRACTS.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

''(3) FAIR ACCESS TO MULTIPLE-AWARD CONTRACTS.—

''(A) STATEMENT OF CONGRESSIONAL POLICY.—It is the policy of the Congress that Federal agencies shall endeavor to meet the contracting goals established under this subsection with regard to orders under multiple-award contracts, including Federal Supply Schedule contracts and multi-agency contracts.

''(B) AUTHORIZATION FOR LIMITED COMPETITION.—The head of a contracting agency may include in any contract entered under section 2304a(d)(1)(B) or 2304b(e) of title 10, United States Code, a clause setting aside a specific share of awards under such contract pursuant to a competition that is limited to small business concerns, if the head of the contracting agency determines that such limitation is necessary to comply with the congressional policy stated in subparagraph (A).

''(C) REPORT REQUIREMENT.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Administrator shall submit a report on the level of participation of small business concerns in multiple-award contracts, including Federal Supply Schedule contracts, to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

''(ii) CONTENTS.—The report required by clause (i) shall include, for the most recent 2-year period for which data are available—

''(I) the total number of multiple-award contracts;

''(II) the total number of small business concerns that received multiple-award contracts;

''(III) the total number of orders under multiple-award contracts;

''(IV) the total value of orders under multiple-award contracts;

''(V) the number of orders received by small business concerns under multiple-award contracts;

''(VI) the value of orders received by small business concerns under multiple-award contracts;

''(VII) the number of small business concerns that received orders under multiple-award contracts; and

''(VIII) such other information as may be relevant.''.

SA 2531. Mr. WARNER (for Ms. SNOWE (for herself and Mr. KERRY)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 218, strike line 1 and all that follows through page 220, line 5, and insert the following:

SEC. 814. RESEARCH AND DEVELOPMENT EFFORTS FOR PURPOSES OF SMALL BUSINESS RESEARCH.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(x) RESEARCH AND DEVELOPMENT FOCUS.—

''(1) REVISION AND UPDATE OF CRITERIA AND PROCEDURES OF IDENTIFICATION.—In carrying out subsection (g), the Secretary of Defense shall, not less often than once every 4 years, revise and update the criteria and procedures utilized to identify areas of the research and development efforts of the Department of Defense which are suitable for the provision of funds under the Small Business Innovation Research Program and the Small Business Technology Transfer Program.

''(2) UTILIZATION OF PLANS.—The criteria and procedures described in paragraph (1) shall be developed through the use of the most current versions of the following plans:

''(A) The joint warfighting science and technology plan required under section 270 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 2501 note).

''(B) The Defense Technology Area Plan of the Department of Defense.

''(C) The Basic Research Plan of the Department of Defense.

''(3) INPUT IN IDENTIFICATION OF AREAS OF EFFORT.—The criteria and procedures described in paragraph (1) shall include input in the identification of areas of research and development efforts described in that paragraph from Department of Defense program managers (PMs) and program executive officers (PEOs).

''(y) COMMERCIALIZATION PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary of Defense and the Secretary of each military department is authorized to create and administer a 'Commercialization Pilot Program' to accelerate the transition of technologies, products, and services developed under the Small Business Innovation Research Program to Phase III, including the acquisition process.

''(2) IDENTIFICATION OF RESEARCH PROGRAMS FOR ACCELERATED TRANSITION TO ACQUISITION PROCESS.—In carrying out the Commercialization Pilot Program, the Secretary of Defense and the Secretary of each military department shall identify research programs of the Small Business Innovation Research Program that have the potential for rapid transitioning to Phase III and into the acquisition process.

''(3) LIMITATION.—No research program may be identified under paragraph (2), unless the Secretary of the military department concerned certifies in writing that the successful transition of the program to Phase III and into the acquisition process is expected to meet high priority military requirements of such military department.

''(4) FUNDING.—For payment of expenses incurred to administer the Commercialization Pilot Program under this subsection, the Secretary of Defense and each Secretary of a military department is authorized to use not more than an amount equal to 1 percent of the funds available to the Department of Defense or the military department pursuant to the Small Business Innovation Research Program. Such funds—

''(A) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

''(B) shall not be used to make Phase III awards.

''(5) EVALUATIVE REPORT.—At the end of each fiscal year, the Secretary of Defense and each Secretary of a military department shall submit to the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Armed Services and the Committee on Small Business of the House of Representatives an evaluative report regarding activities under the Commercialization Pilot Program. The report shall include—

''(A) an accounting of the funds used in the Commercialization Pilot Program;

''(B) a detailed description of the Commercialization Pilot Program, including incentives and activities undertaken by acquisition program managers, program executive officers, and by prime contractors; and

''(C) a detailed compilation of results achieved by the Commercialization Pilot Program, including the number of small business concerns assisted and a number of inventions commercialized.

''(6) SUNSET.—The pilot program under this subsection shall terminate at the end of fiscal year 2009.''.

(b) IMPLEMENTATION OF EXECUTIVE ORDER 13329.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (b)—

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(8) to provide for and fully implement the tenets of Executive Order 13329 (Encouraging Innovation in Manufacturing).'';

(2) in subsection (g)—

(A) in paragraph (9), by striking ''and'' at the end;

(B) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(11) provide for and fully implement the tenets of Executive Order 13329 (Encouraging Innovation in Manufacturing).''; and

(3) in subsection (o)—

(A) in paragraph (14), by striking ''and'' at the end;

(B) in paragraph (15), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(16) provide for and fully implement the tenets of Executive Order 13329 (Encouraging Innovation in Manufacturing).''.

(c) TESTING AND EVALUATION AUTHORITY.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) the term 'commercial applications' shall not be construed to exclude testing and evaluation of products, services, or technologies for use in technical or weapons systems, and further, awards for testing and evaluation of products, services, or technologies for use in technical or weapons systems may be made in either the second or the third phase of the Small Business Innovation Research Program and of the Small Business Technology Transfer Program, as defined in this subsection.''.

SA 2532. Mr. WARNER (for Mr. KERRY) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 237, after line 17, insert the following:

SEC. 846. DISASTER RELIEF FOR SMALL BUSINESS CONCERNS DAMAGED BY DROUGHT.

(a) DROUGHT DISASTER AUTHORITY.—

(1) DEFINITION OF DISASTER.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting ''(1)'' after ''(k)''; and

(B) by adding at the end the following:

''(2) For purposes of section 7(b)(2), the term 'disaster' includes—

''(A) drought; and

''(B) below average water levels in the Great Lakes, or on any body of water in the United States that supports commerce by small business concerns.''.

(2) DROUGHT DISASTER RELIEF AUTHORITY.—Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended—

(A) by inserting ''(including drought), with respect to both farm-related and nonfarm-related small business concerns,'' before ''if the Administration''; and

(B) in subparagraph (B), by striking ''the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961)'' and inserting the following: ''section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961), in which case, assistance under this paragraph may be provided to farm-related and nonfarm-related small business concerns, subject to the other applicable requirements of this paragraph''.

(b) LIMITATION ON LOANS.—From funds otherwise appropriated for loans under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), not more than $9,000,000 may be used during each of fiscal years 2005 through 2008, to provide drought disaster loans to nonfarm-related small business concerns in accordance with this section and the amendments made by this section.

(c) PROMPT RESPONSE TO DISASTER REQUESTS.—Section 7(b)(2)(D) of the Small Business Act (15 U.S.C. 636(b)(2)(D)) is amended by striking ''Upon receipt of such certification, the Administration may'' and inserting ''Not later than 30 days after the date of receipt of such certification by a Governor of a State, the Administration shall respond in writing to that Governor on its determination and the reasons therefore, and may''.

(d) RULEMAKING.—Not later than 45 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall promulgate final rules to carry out this section and the amendments made by this section.

SA 2533. Mr. WARNER (for Mr. LAUTENBERG) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place in title VIII, insert the following:

SEC. ___. ENSURING TRANSPARENCY IN FEDERAL CONTRACTING.

(a) PUBLICATION OF INFORMATION ON FEDERAL CONTRACTOR PENALTIES AND VIOLATIONS.—(1).—The Secretary of Defense shall maintain a publicly-available website that provides information on instances in which major contractors have been fined, paid penalties or restitution, settled, plead guilty to, or had judgments entered against them in connection with allegations of improper conduct. The website shall be updated not less than once a year.

(2) For the purposes of this subsection, a major contractor is a contractor that receives at least $100,000,000 in Federal contracts in the most recent fiscal year for which data are available.

(b) REPORT ON FEDERAL SOLE SOURCE CONTRACTS RELATED TO IRAQ RECONSTRUCTION.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to Congress a report on all sole source contracts in excess of $2,000,000 entered into by executive agencies in connection with Iraq reconstruction from January 1, 2003, through the date of the enactment of this Act.

(2) CONTENT.—The report submitted under paragraph (1) shall include the following information with respect to each such contract:

(A) The date the contract was awarded.

(B) The contract number.

(C) The name of the contractor.

(D) The amount awarded.

(E) A brief description of the work to be performed under the contract.

(3) EXECUTIVE AGENCY DEFINED.—In this subsection, the term ''executive agency'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SA 2534. Mr. WARNER (for Mr. KENNEDY (for himself and Mr. CHAMBLISS)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 213, between lines 2 and 3, insert the following:

SEC. 807. PUBLIC-PRIVATE COMPETITION FOR WORK PERFORMED BY CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) LIMITATION.—Section 2461(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) Notwithstanding subsection (d), a function of the Department of Defense performed by 10 or more civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition process that—

''(i) formally compares the cost of civilian employee performance of that function with the costs of performance by a contractor;

''(ii) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A–76, as implemented on May 29, 2003; and

''(iii) requires continued performance of the function by civilian employees unless the competitive sourcing official concerned determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of $10,000,000 or 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees.

''(B) Any function that is performed by civilian employees of the Department of Defense and is proposed to be reengineered, reorganized, modernized, upgraded, expanded, or changed in order to become more efficient shall not be considered a new requirement for the purpose of the competition requirements in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A–76.

''(C) A function performed by more than 10 Federal Government employees may not be separated into separate functions for the purposes of avoiding the competition requirement in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A–76.

''(D) The Secretary of Defense may waive the requirement for a public-private competition under subparagraph (A) in specific instances if—

''(i) the written waiver is prepared by the Secretary of Defense or the relevant Assistant Secretary of Defense, Secretary of a military department, or head of a Defense Agency;

''(ii) the written waiver is accompanied by a detailed determination that national security interests preclude compliance with the requirement for a public-private competition; and

''(iii) a copy of the waiver is published in the Federal Register within 10 working days after the date on which the waiver is granted, although use of the waiver need not be delayed until its publication.''.

(b) INAPPLICABILITY TO BEST-VALUE SOURCE SELECTION PILOT PROGRAM.—Paragraph (5) of section 2461(b) of title 10, United States Code, as added by subsection (a), shall not apply with respect to the pilot program for best-value source selection for performance of information technology services authorized by section 336 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1444; 10 U.S.C. 2461 note).

(c) REPEAL OF SUPERSEDED LAW.—Section 327 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 2461 note) is repealed.

SEC. 808. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.

(a) GUIDELINES.—

(1) IN GENERAL.—The Secretary of Defense shall prescribe guidelines and procedures for ensuring that consideration is given to using Federal Government employees on a regular basis for work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) CRITERIA.—The guidelines and procedures prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) were not awarded on a competitive basis; or

(D) have been determined by a contracting officer to be poorly performed due to excessive costs or inferior quality.

(b) NEW REQUIREMENTS.—

(1) LIMITATION ON REQUIRING PUBLIC-PRIVATE COMPETITION.—No public-private competition may be required under Office of Management and Budget Circular A–76 or any other provision of law or regulation before the performance of a new requirement by Federal Government employees commences, the performance by Federal Government employees of work pursuant to subsection (a) commences, or the scope of an existing activity performed by Federal Government employees is expanded. Office of Management and Budget Circular A–76 shall be revised to ensure that the heads of all Federal agencies give fair consideration to the performance of new requirements by Federal Government employees.

(2) CONSIDERATION OF FEDERAL GOVERNMENT EMPLOYEES.—The Secretary of Defense shall, to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) USE OF FLEXIBLE HIRING AUTHORITY.—The Secretary shall include the use of the flexible hiring authority available through the National Security Personnel System in order to facilitate performance by Federal Government employees of new requirements and work that is performed under Department of Defense contracts.

(d) INSPECTOR GENERAL REPORT.—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) DEFINITIONS.—In this section:

(1) The term ''National Security Personnel System'' means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term ''inherently governmental function'' has the meaning given that term in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

SA 2535. Mr. WARNER (for Mr. INHOFE) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. THE UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION.

(a) FINDINGS.—Congress finds the following:

(1) The 2004 Report to Congress of the United States-China Economic and Security Review Commission states that—

(A) China's State-Owned Enterprises (SOEs) lack adequate disclosure standards, which creates the potential for United States investors to unwittingly contribute to enterprises that are involved in activities harmful to United States security interests;

(B) United States influence and vital long-term interests in Asia are being challenged

by China's robust regional economic engagement and diplomacy;

(C) the assistance of China and North Korea to global ballistic missile proliferation is extensive and ongoing;

(D) China's transfers of technology and components for weapons of mass destruction (WMD) and their delivery systems to countries of concern, including countries that support acts of international terrorism, has helped create a new tier of countries with the capability to produce WMD and ballistic missiles;

(E) the removal of the European Union arms embargo against China that is currently under consideration in the European Union would accelerate weapons modernization and dramatically enhance Chinese military capabilities;

(F) China is developing a leading-edge military with the objective of intimidating Taiwan and deterring United States involvement in the Strait, and China's qualitative and quantitative military advancements have already resulted in a dramatic shift in the cross-Strait military balance toward China; and

(G) China's growing energy needs are driving China into bilateral arrangements that undermine multilateral efforts to stabilize oil supplies and prices, and in some cases may involve dangerous weapons transfers.

(2) On March 14, 2005, the National People's Congress approved a law that would authorize the use of force if Taiwan formally declares independence.

(b) SENSE OF CONGRESS.—

(1) PLAN.—It is the sense of Congress that the President should take immediate steps to establish a coherent and comprehensive plan to address the emergence of China economically, diplomatically, and militarily, to promote mutually beneficial trade relations with China, and to encourage China's adherence to international norms in the areas of trade, international security, and human rights.

(2) CONTENTS.—The plan should contain the following:

(A) Actions to address China's policy of undervaluing its currency, including—

(i) encouraging China to continue to upwardly revalue the Chinese yuan against the United States dollar;

(ii) allowing the yuan to float against a trade-weighted basket of currencies; and

(iii) concurrently encouraging United States trading partners with similar interests to join in these efforts.

(B) Actions to make better use of the World Trade Organization (WTO) dispute settlement mechanism and applicable United States trade laws to redress China's trade practices, including exchange rate manipulation, denial of trading and distribution rights, insufficient intellectual property rights protection, objectionable labor standards, subsidization of exports, and forced technology transfers as a condition of doing business. The United States Trade Representative should consult with our trading partners regarding any trade dispute with China.

(C) Actions to encourage United States diplomatic efforts to identify and pursue initiatives to revitalize United States engagement in East Asia. The initiatives should have a regional focus and complement bilateral efforts. The Asia-Pacific Economic Cooperation forum (APEC) offers a ready mechanism for pursuit of such initiatives.

(D) Actions by the administration to work with China to prevent proliferation of prohibited technologies and to secure China's agreement to renew efforts to curtail North Korea's commercial export of ballistic missiles.

(E) Actions by the Secretaries of State and Energy to consult with the International Energy Agency with the objective of upgrading the current loose experience-sharing arrangement whereby China engages in some limited exchanges with the organization, to a more structured arrangement.

(F) Actions by the administration to develop a coordinated, comprehensive national policy and strategy designed to maintain United States scientific and technological leadership and competitiveness, in light of the rise of China and the challenges of globalization.

(G) Actions to review laws and regulations governing the Committee on Foreign Investment in the United States (CFIUS), including exploring whether the definition of national security should include the potential impact on national economic security as a criterion to be reviewed, and whether the chairmanship of CFIUS should be transferred from the Secretary of the Treasury to a more appropriate executive branch agency.

(H) Actions by the President and the Secretaries of State and Defense to press strongly their European Union counterparts to maintain the EU arms embargo on China.

(I) Actions by the administration to discourage foreign defense contractors from selling sensitive military use technology or weapons systems to China. The administration should provide a comprehensive annual report to the appropriate committees of Congress on the nature and scope of foreign military sales to China, particularly sales by Russia and Israel.

SA 2536. Mr. WARNER (for Mr. LEVIN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title II, add the following:

SEC. ___. REPORT ON DEVELOPMENT AND USE OF ROBOTICS AND UNMANNED GROUND VEHICLE SYSTEMS.

(a) REPORT REQUIRED.—Not later than nine months after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the development and utilization of robotics and unmanned ground vehicle systems by the Department of Defense.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the utilization of robotics and unmanned ground vehicle systems in current military operations.

(2) A description of the manner in which the development of robotics and unmanned ground vehicle systems capabilities supports current major acquisition programs of the Department of Defense.

(3) A detailed description, including budget estimates, of all Department programs and activities on robotics and unmanned ground vehicle systems for fiscal years 2004 through 2012, including programs and activities relating to research, development, test and evaluation, procurement, and operation and maintenance.

(4) A description of the long-term research and development strategy of the Department on technology for the development and integration of new robotics and unmanned ground vehicle systems capabilities in support of Department missions.

(5) A description of any planned demonstration or experimentation activities of the Department that will support the development and deployment of robotics and unmanned ground vehicle systems by the Department.

(6) A statement of the Department organizations currently participating in the development of new robotics or unmanned ground vehicle systems capabilities, including the specific missions of each such organization in such efforts.

(7) A description of the activities of the Department to collaborate with industry, academia, and other Government and nongovernment organizations in the development of new capabilities in robotics and unmanned ground vehicle systems.

(8) An assessment of the short-term and long-term ability of the industrial base of the United States to support the production of robotics and unmanned ground vehicle systems to meet Department requirements.

(9) An assessment of the progress being made to achieve the goal established by section 220(a)(2) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–38) that, by 2015, one-third of operational ground combat vehicles be unmanned.

(10) An assessment of international research, technology, and military capabilities in robotics and unmanned ground vehicle systems.

SA 2537. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title VIII, add the following:

SEC. ___. MODIFICATION AND EXTENSION OF PILOT PROGRAM ON SHARE-IN-SAVINGS CONTRACTS.

(a) INCLUSION OF INFORMATION TECHNOLOGY IMPROVEMENTS IN SHARE-IN-SAVINGS.—Paragraph (1) of subsection (a) of section 2332 of title 10, United States Code, is amended by adding at the end the following new sentence: ''Each such contract shall provide that the contractor shall incur the cost of implementing information technology improvements, including costs incurred in acquiring, installing, maintaining, and upgrading information technology equipment and training personnel in the use of such equipment, in exchange for a share of any savings directly resulting from the implementation of such improvements during the term of the contract.''.

(b) CONTRACT PERFORMANCE EVALUATION.—Such subsection is further amended—

(1) in paragraph (3), by striking '', to the maximum extent practicable,'';

(2) by striking paragraph (4);

(3) by redesignating paragraph (5) as paragraph (7); and

(4) inserting after paragraph (3) the following new paragraphs:

''(4) The head of an agency that enters into contracts pursuant to the authority of this section shall establish a panel of employees of such agency, independent of any program office or contracting office responsible for awarding and administering such contracts, for the purpose of verifying performance baselines and methodologies for calculating savings resulting from the implementation of information technology improvements under such contracts. Employees assigned to any such panel shall have experience and expertise appropriate for the duties of such panel.

''(5) Each contract awarded pursuant to the authority of this section shall include a provision containing a quantifiable baseline of current and projected costs, a methodology for calculating actual costs during the period of performance, and a savings share ratio governing the amount of payments the contractor is to receive under such contract that are certified by a panel established pursuant to paragraph (4) to be financially sound and based on the best available information.

''(6) Each contract awarded pursuant to the authority of this section shall—

''(A) provide that aggregate payments to the contractor may not exceed the amount the agency would have paid, in accordance with the baseline of current and projected costs incorporated in such contract, during the period covered by such contract; and

''(B) require an independent annual audit of actual costs in accordance with the methodology established under paragraph (5)(B), which shall serve as a basis for annual payments based on savings share ratio established in such contract.''.

(c) EXTENSION OF PILOT PROGRAM.—Such section is further amended—

(1) in subsection (b)(3)(B), by striking ''fiscal years 2003, 2004, and 2005'' and inserting ''fiscal years 2003 through 2007''; and

(2) in subsection (d), by striking ''September 30, 2005'' and inserting ''September 30, 2007''.

(d) REPORTS TO CONGRESS.—

(1) SECRETARY OF DEFENSE REPORTS.—Not later than March 31, 2006, and each year thereafter until the year after the termination of the pilot program under section 2332 of title 10, United States Code (as amended by subsection (a)), the Secretary of Defense shall submit to Congress a report containing a list of each contract entered into by each Federal agency under such section during the preceding year that contains terms providing for the contractor to implement information technology improvements in exchange for a share of the savings derived from the implementation of such improvements. The report shall set forth, for each contract listed—

(A) the information technology performance acquired by reason of the improvements concerned;

(B) the total amount of payments made to the contractor during the year covered by the report; and

(C) the total amount of savings or other measurable benefits realized by the Federal agency during such year as a result of such improvements.

(2) COMPTROLLER GENERAL REPORTS.—Not later than two months after the Secretary submits a report required by paragraph (1), the Comptroller General of the United States shall submit to Congress a report on the costs and benefits to the United States of the implementation of the technology improvements under the contracts covered by such report, together with such recommendations as the Comptroller General considers appropriate.

SA 2538. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

SEC. ___. SUPERVISION AND MANAGEMENT OF DEFENSE BUSINESS TRANSFORMATION AGENCY.

Section 192 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) SPECIAL RULE FOR DEFENSE BUSINESS TRANSFORMATION AGENCY.—(1) The Defense Business Transformation Agency shall be supervised by the vice chairman of the Defense Business System Management Committee.

''(2) Notwithstanding the results of any periodic review under subsection (c) with regard to the Defense Business Transformation Agency, the Secretary of Defense shall designate that the Agency be managed cooperatively by the Deputy Under Secretary of Defense for Business Transformation and the Deputy Under Secretary of Defense for Financial Management.''.

SA 2539. Mr. WARNER (for Mr. CHAMBLISS) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of Subtitle D of title I, add the following:

SEC. 138. C–37B AIRCRAFT.

(a) ADDITIONAL AMOUNT FOR AIRCRAFT PROCUREMENT, AIR FORCE.—The amount authorized to be appropriated by section 103(1) for aircraft procurement for the Air Force is hereby increased by $45,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 103(1) for aircraft for the Air Force, as increased by subsection (a), up to $45,000,000 may be used for the procurement of one C–37B aircraft.

(c) OFFSET.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby reduced by $25,000,000 and the amount authorized to be appropriated by section 301(5) for O&M, defensewide is hereby reduced by $20,000,000.

SA 2540. Mr. WARNER (for Mr. ISAKSON) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle F of title V, insert the following:

SEC. ___. DESIGNATION OF IKE SKELTON EARLY COMMISSIONING PROGRAM SCHOLARSHIPS.

Section 2107a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j) Financial assistance provided under this section to a cadet appointed at a military junior college is designated as, and shall be known as, an 'Ike Skelton Early Commissioning Program Scholarship'.''.

SA 2541. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle H of title V, add the following:

SEC. ___. MODIFICATION OF ELIGIBILITY FOR POSITION OF PRESIDENT OF THE NAVAL POSTGRADUATE SCHOOL.

Subsection (a) of section 7042 of title 10, United States Code, is amended to read as follows:

''(a)(1) The President of the Naval Postgraduate School shall be one of the following:

''(A) An officer of the Navy not below the grade of rear admiral (lower half) who is detailed to such position.

''(B) A civilian individual having qualifications appropriate to the position of President of the Naval Postgraduate School who is appointed to such position.

''(2) The President of the Naval Postgraduate School shall be detailed or assigned to such position under paragraph (1) by the Secretary of the Navy, upon the recommendation of the Chief of Naval Operations.

''(3) An individual assigned as President of the Naval Postgraduate School under paragraph (1)(B) shall serve in such position for a term of not more than five years.''.

SA 2542. Mr. WARNER (for Mr. DEWINE) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 167, between lines 6 and 7, insert the following:

(c) ADDITIONAL DEATH GRATUITY.—In the case of an active duty member of the armed forces who died between October 7, 2001, and May 11, 2005, and was not eligible for an additional death gratuity under section 1478(e)(3)(A) of title 10, United States Code (as added by section 1013(b) of Public Law 109–13), the eligible survivors of such decedent shall receive, in addition to the death gratuity available to such survivors under section 1478(a) of such title, an additional death gratuity of $150,000 under the same conditions as provided under section 1478(e)(4) of such title.

SA 2543. Mr. WARNER (for Mr. ALLEN (for himself, Mr. DEWINE, and Mr. WARNER)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle G of title X, insert:

SEC. ___. SENSE OF SENATE ON AERONAUTICS RESEARCH AND DEVELOPMENT.

(a) FINDINGS.—Congress makes the following findings:

(1) The advances made possible by Government-funded research in emerging aeronautics technologies have enabled longstanding military air superiority for the United States in recent decades.

(2) Military aircraft incorporate advanced technologies developed at research centers of the National Aeronautics and Space Administration.

(3) The vehicle systems program of the National Aeronautics and Space Administration has provided major technology advances that have been used in every major civil and military aircraft developed over the last 50 years.

(4) It is important for the cooperative research efforts of the National Aeronautics and Space Administration and the Department of Defense that funding of research on military aviation technologies be robust.

(5) Recent National Aeronautics and Space Administration and independent studies have demonstrated the competitiveness, scientific merit, and necessity of existing aeronautics programs.

(6) The economic and military security of the United States is enhanced by the continued development of improved aeronautics technologies.

(7) A national effort is needed to ensure that the National Aeronautics and Space Administration can help meet future aviation needs.

(b) SENSE OF SENATE.—It is the sense of the Senate that it is in the national security interest of the United States to maintain a strong aeronautics research and development program within the Department of Defense and the National Aeronautics and Space Administration.

SA 2544. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. _____. MODIFICATION OF LIMITED ACQUISITION AUTHORITY FOR THE COMMANDER OF THE UNITED STATES JOINT FORCES COMMAND.

(a) SCOPE OF AUTHORITY.—Subsection (a) of section 167a of title 10, United States Code, is amended by striking and ''and acquire'' and inserting '', acquire, and sustain''.

(b) INAPPLICABILITY TO CERTAIN SYSTEMS FUNDED WITH OPERATION AND MAINTENANCE FUNDS.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(3) the total expenditure for operation and maintenance is estimated to be $2,000,000 or more.''.

(c) EXTENSION OF AUTHORITY.—Subsection (f) of such section is amended—

(1) by striking ''through 2006'' and inserting ''through 2009''; and

(2) by striking ''September 30, 2006'' and inserting ''September 30, 2009''.

SA 2545. Mr. WARNER (for himself, Mr. LEVIN, and Mr. BINGAMAN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title X, add the following:

SEC. ___. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE.

(a) FIRST EMERGENCY SUPPLEMENTAL TO MEET NEEDS ARISING FROM HURRICANE KATRINA.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2005 in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorized amount are increased by a supplemental appropriation, or by a transfer of funds, pursuant to the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109–61).

(b) SECOND EMERGENCY SUPPLEMENTAL TO MEET NEEDS ARISING FROM HURRICANE KATRINA.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2005 in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorized amount are increased by a supplemental appropriation, or by a transfer of funds, pursuant to the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109–62).

(c) SUPPLEMENTAL APPROPRIATIONS FOR AVIAN FLU PREPAREDNESS.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in this Act are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorized amount are increased by a supplemental appropriation, or by a transfer of funds, arising from the proposal of the Administration relating to avian flu preparedness that was submitted to Congress on November 1, 2006.

(d) AMOUNTS REALLOCATED FOR HURRICANE-RELATED DISASTER RELIEF.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in this Act are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorized amount are increased by a reallocation of funds from the Disaster Relief Fund (DRF) of the Federal Emergency Management Agency arising from the proposal of the Director of the Office of Management and Budget on the reallocation of amounts for hurricane-related disaster relief that was submitted to the President on October 28, 2005, and transmitted to the Speaker of the House of Representatives on that date.

(e) AMOUNTS FOR HUMANITARIAN ASSISTANCE FOR EARTHQUAKE VICTIMS IN PAKISTAN.—There is authorized to be appropriated as emergency supplemental appropriations for the Department of Defense for fiscal year 2006, $40,000,000 for the use of the Department of Defense for overseas, humanitarian, disaster, and civic aid for the purpose of providing humanitarian assistance to the victims of the earthquake that devastated northern Pakistan on October 8, 2005.

(f) REPORTS ON USE OF CERTAIN FUNDS.—

(1) REPORT ON USE OF EMERGENCY SUPPLEMENTAL FUNDS.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the obligation and expenditure, as of that date, of any funds appropriated to the Department of Defense for fiscal year 2005 pursuant to the Acts referred to in subsections (a) and (b) as authorized by such subsections. The report shall set forth—

(A) the amounts so obligated and expended; and

(B) the purposes for which such amounts were so obligated and expended.

(2) REPORT ON EXPENDITURE OF REIMBURSABLE FUNDS.—The Secretary shall include in the report required by paragraph (1) a statement of any expenditure by the Department of Defense of funds that were reimbursable by the Federal Emergency Management Agency, or any other department or agency of the Federal Government, from funds appropriated in an Act referred to in subsection (a) or (b) to such department or agency.

(3) REPORT ON USE OF CERTAIN OTHER FUNDS.—Not later than May 15, 2006, and quarterly thereafter through November 15, 2006, the Secretary shall submit to the congressional defense committees a report on the obligation and expenditure, during the previous fiscal year quarter, of any funds appropriated to the Department of Defense as specified in subsection (c) and any funds reallocated to the Department as specified in subsection (d). Each report shall, for the fiscal year quarter covered by such report, set forth—

(A) the amounts so obligated and expended; and

(B) the purposes for which such amounts were so obligated and expended.

(g) REPORT ON ASSISTANCE FOR EARTHQUAKE VICTIMS IN PAKISTAN.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing Department of Defense efforts to provide relief to victims of the earthquake that devastated northern Pakistan on October 8, 2005, and assessing the need for further reconstruction and relief assistance.

SA 2546. Mr. WARNER (for Mr. DAYTON (for himself, Mrs. MURRAY, and Ms. COLLINS)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title V, add the following:

SEC. ___. SENSE OF SENATE ON CERTAIN MATTERS RELATING TO THE NATIONAL GUARD AND RESERVES.

It is the sense of the Senate—

(1) to recognize the important and integral role played by members of the Active Guard and Reserve and military technicians (dual status) in the efforts of the Armed Forces; and

(2) to urge the Secretary of Defense to promptly resolve issues relating to appropriate authority for payment of reenlistment bonsuses stemming from reenlistment contracts entered into between January 14, 2005, and April 17, 2005, involving members of the Army National Guard and military technicians (dual status).

SA 2547. Mr. WARNER (for Mr. BYRD) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities

of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title XXXIII of division C, add the following:

SEC. 3302. DISPOSAL OF FERROMANGANESE.

(a) DISPOSAL AUTHORIZED.—The Secretary of Defense may dispose of up to 75,000 tons of ferromanganese from the National Defense Stockpile during fiscal year 2006.

(b) CONTINGENT AUTHORITY FOR ADDITIONAL DISPOSAL.—If the Secretary of Defense completes the disposal of the total quantity of ferromanganese authorized for disposal by subsection (a) before September 30, 2006, the Secretary of Defense may dispose of up to an additional 25,000 tons of ferromanganese from the National Defense Stockpile before that date.

(c) CERTIFICATION.—The Secretary of Defense may dispose of ferromanganese under the authority of subsection (b) only if the Secretary submits written certification to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, not later than 30 days before the commencement of disposal, that—

(1) the disposal of the additional ferromanganese from the National Defense Stockpile is in the interest of national defense;

(2) the disposal of the additional ferromanganese will not cause undue disruption to the usual markets of producers and processors of ferromanganese in the United States; and

(3) the disposal of the additional ferromanganese is consistent with the requirements and purpose of the National Defense Stockpile.

(d) DELEGATION OF RESPONSIBILITY.—The Secretary of Defense may delegate the responsibility of the Secretary under subsection (c) to an appropriate official within the Department of Defense.

(e) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

SA 2548. Mr. WARNER (for Mr. REID) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

SEC. ___. ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE MATTERS.

(a) INCLUSION OF ADDITIONAL FACILITIES WITHIN INITIATIVE.—Section 4551(2) of title 10, United States Code, is amended by inserting '', or a Government-owned, contractor-operated depot for the storage, maintenance, renovation, or demilitarization of ammunition,'' after ''manufacturing facility''.

(b) ADDITIONAL CONSIDERATION FOR USE OF FACILITIES.—Section 4554(b)(2) of such title is amended by adding at the end the following new subparagraph:

''(D) The demilitarization and storage of conventional ammunition.''.

SA 2549. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title XXVIII of division B, add the following:

SEC. 2887. REQUIRED CONSULTATION WITH STATE AND LOCAL ENTITIES ON TRANSPORTATION, HOUSING, AND OTHER INFRASTRUCTURE ISSUES RELATED TO THE ADDITION OF PERSONNEL OR FACILITIES AT MILITARY INSTALLATIONS AS PART OF 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

Section 2905(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

''(3) In carrying out any closure or realignment under this part that would add personnel or facilities to an existing military installation, the Secretary shall consult with appropriate State and local entities on matters affecting the local community related to transportation, utility infrastructure, housing, schools, and family support activities during the development of plans to implement such closure or realignment.''.

SA 2550. Mr. WARNER (for Mr. LOTT (for himself and Mr. CORNYN)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title XXVIII of division B, add the following:

SEC. 2887. SENSE OF THE SENATE ON REVERSIONARY INTERESTS AT NAVY HOMEPORTS.

It is the sense of the Senate that, in implementing the decisions made with respect to Navy homeports as part of the 2005 round of defense base closure and realignment, the Secretary of the Navy should, consistent with the national interest and Federal policy supporting cost-free conveyances of Federal surplus property suitable for use as port facilities, release or otherwise relinquish any entitlement to receive, pursuant to any agreement providing for such payment, compensation from any holder of a reversionary interest in real property used by the United States for improvements made to any military installation that is closed or realigned as part of such base closure round.

SA 2551. Mr. WARNER (for Mr. LEVIN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. REPORT ON CLAIMS RELATED TO THE BOMBING OF THE LABELLE DISCOTHEQUE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Government of Libya should be commended for the steps the Government has taken to renounce terrorism and to eliminate Libya's weapons of mass destruction and related programs; and

(2) an important priority for improving relations between the United States and Libya should be a good faith effort on the part of the Government of Libya to resolve the claims of members of the Armed Forces of the United States and other United States citizens who were injured in the bombing of the LaBelle Discotheque in Berlin, Germany that occurred in April 1986, and of family members of members of the Armed Forces of the United States who were killed in that bombing.

(b) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the status of negotiations between the Government of Libya and United States claimants in connection with the bombing of the LaBelle Discotheque in Berlin, Germany that occurred in April 1986, regarding resolution of their claims. The report shall also include information on efforts by the Government of the United States to urge the Government of Libya to make a good faith effort to resolve such claims.

(2) UPDATE.—Not later than one year after enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees an update of the report required by paragraph (1).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives.

SA 2552. Mr. WARNER (for Mr. KENNEDY (for himself and Mrs. FEINSTEIN)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 378, between lines 10 and 11, insert the following:

SEC. 3114. PROHIBITION ON USE OF FUNDS FOR ROBUST NUCLEAR EARTH PENETRATOR.

None of the funds authorized to be appropriated to the Department of Energy under this Act may be made available for the Robust Nuclear Earth Penetrator.

SA 2553. Mr. WARNER (for Ms. SNOWE (for herself and Ms. COLLINS)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title XXVIII of division B, add the following:

SEC. 2887. IDENTIFICATION OF ENVIRONMENTAL CONDITIONS AT MILITARY INSTALLATIONS CLOSED OR REALIGNED UNDER 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) IDENTIFICATION OF ENVIRONMENTAL CONDITION OF PROPERTY.—

(1) IN GENERAL.—Not later than May 31, 2007, the Secretary of Defense, in consultation with the Administrator of the Environmental Protection Agency, other appropriate Federal agencies, and State, tribal, and local government officials, shall complete an identification of the environmental condition of the real property (including groundwater) of each military installation approved for closure or realignment under the 2005 round of defense base closure and realignment in accordance with section 120(h)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(4)).

(2) RESULTS.—

(A) IN GENERAL.—As soon as practicable after the date on which an identification under paragraph (1) is completed, the Secretary of Defense shall—

(i) provide a notice of the results of the identification to—

(I) the Administrator of the Environmental Protection Agency;

(II) the head of any other appropriate Federal agency, as determined by the Secretary; and

(III) any affected State or tribal government official, as determined by the Secretary; and

(ii) publish in the Federal Register the results of the identification.

(B) REQUEST FOR CONCURRENCE.—The Secretary shall include in a notice provided under subclause (I) or (III) of subparagraph (A)(i) a request for concurrence with the identification in such form as the Secretary determines to be appropriate.

(3) CONCURRENCE.—

(A) IN GENERAL.—An identification under paragraph (1) shall not be considered to be complete until—

(i) for a property that is a site, or part of a site, on the National Priorities List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)), the date on which the Administrator of the Environmental Protection Agency and each appropriate State and tribal government official concur with the identification; and

(ii) for any property that is not a site described in clause (i), the date on which each appropriate State and tribal government official concurs with the identification.

(B) FAILURE TO ACT.—The Administrator, or a State or tribal government official, shall be considered to concur with an identification under paragraph (1) if the Administrator or government official fails to make a determination with respect to a request for concurrence with such identification under paragraph (2)(B) by not later than 90 days after the date on which such request for concurrence is received.

(b) EXPEDITING ENVIRONMENTAL RESPONSE.—The Secretary of Defense shall coordinate with appropriate Federal, State, tribal, and local governmental officials, as determined by the Secretary, to expedite environmental response at military installations approved for closure or realignment under the 2005 round of defense base closure and realignment.

(c) REPORT.—The Secretary shall submit to Congress, as part of each annual report under section 2706 of title 10, United States Code, a report describing any progress made in carrying out this section.

(d) EFFECT OF SECTION.—Nothing in this section affects any obligation of the Secretary with respect to any other Federal or State requirement relating to—

(1) the environment; or

(2) the transfer of property.

SA 2554. Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title XXVIII, add the following:

SEC. 2887. SENSE OF CONGRESS ON LIMITATION ON TRANSFER OF UNITS FROM CLOSED AND REALIGNED MILITARY INSTALLATIONS PENDING READINESS OF RECEIVING LOCATIONS.

(a) FINDINGS.—

(1) The Commission on Review of Overseas Military Facility Structure of the United States, also known as the Overseas Basing Commission, transmitted a report to the President and Congress on August 15, 2005, that discussed considerations for the return to the United States of up to 70,000 service personnel and 100,000 family members and civilian employees from overseas garrisons.

(2) The 2005 Base Closure and Realignment Commission released a report on September 8, 2005, to the President that assessed the closure and realignment decisions of the Department of Defense, which would affect 26,830 military personnel positions.

(3) Both of these reports expressed concerns that massive movements of units, service personnel, and families may disrupt unit operational effectiveness and the quality of life for family members if not carried out with adequate planning and resources.

(4) The 2005 Base Closure and Realignment Commission, in its decision to close Fort Monmouth, included a provision requiring the Secretary of Defense to provide a report that ''movement of organizations, functions, or activities from Fort Monmouth to Aberdeen Proving Ground will be accomplished without disruption of their support to the Global War on Terrorism or other critical contingency operations, and that safeguards exist to ensure that necessary redundant capabilities are put in place to mitigate potential degradation of such support, and to ensure maximum retention of critical workforce''.

(5) The Overseas Basing Commission found that ''base closings at home along with the return of yet additional masses of service members and dependents from overseas will have major impact on local communities and the quality of life that can be expected. Movements abroad from established bases into new locations, or into locations already in use that will be put under pressure by increases in populations, will impact on living conditions.''

(6) The Overseas Basing Commission notes that the four most critical elements of quality of life as they relate to restructuring of the global defense posture are housing, military child education, healthcare, and service member and family services.

(7) The Overseas Basing Commission recommended that ''planners must take a 'last day-first day' approach to the movement of units and families from one location to another'', meaning that they must maintain the support infrastructure for personnel until the last day they are in place and must have the support infrastructure in place on the first day troops arrive in the new location.

(8) The Overseas Basing Commission further recommended that it is ''imperative that the 'last day-first day' approach should be taken whether the movement is abroad from one locale to another, from overseas to the United States, or from one base in CONUS [the continental United States] to yet another as a result of base realignment and closures''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should not transfer any unit from a military installation closed or realigned due to the relocation of forces under the Integrated Global Presence and Basing Strategy or the 2005 round of defense base closure and realignment until adequate facilities and infrastructure necessary to support the unit's mission and quality of life requirements for military families are ready for use at the receiving location.

SA 2555. Mr. WARNER (for Mr. HAGEL) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

In Title VI, subtitle E, at the end, insert the following:

SEC. ___. EXTENSION OF ELIGIBILITY FOR SSI FOR CERTAIN INDIVIDUALS IN FAMILIES THAT INCLUDE MEMBERS OF THE RESERVE AND NATIONAL GUARD.

Section 1631(j)(1)(B) of the Social Security Act (42 U.S.C. 1383(j)(1)(B)) is amended by inserting ''(24 consecutive months, in the case of such an individual whose ineligibility for benefits under or pursuant to both such sections is a result of being called to active duty pursuant to section 12301(d) or 12302 of title 10, United States Code, or section 502(f) of title 32, United States Code)'' after ''for a period of 12 consecutive months''.

SA 2556. Mr. WARNER (for Mr. NELSON of Florida) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 378, between lines 10 and 11, insert the following:

SEC. 3114. SENSE OF THE SENATE REGARDING INTERIM REPORTS ON RESIDUAL BERYLLIUM CONTAMINATION AT DEPARTMENT OF ENERGY VENDOR FACILITIES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Section 3169 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 42 U.S.C. 7384 note) requires the National Institute for Occupational Safety and Health to submit, not later than December 31, 2006, an update to the October 2003 report of the Institute on residual beryllium contamination at Department of Energy vendor facilities.

(2) The American Beryllium Company, Tallevast, Florida, machined beryllium for the Department of Energy's Oak Ridge Y-12, Tennessee, and Rocky Flats, Colorado, facilities from 1967 until 1992.

(3) The National Institute for Occupational Safety and Health has completed its evaluation of residual beryllium contamination at the American Beryllium Company.

(4) Workers at the American Beryllium Company and other affected companies should be made aware fo the site-specific results of the study as soon as such results are available.

(b) SENSE OF THE SENATE.—It is the sense of the Senate to urge the Director of the National Institute for Occupational Safety and Health—

(1) to provide to Congress interim reports of residual beryllium contamination at facilities not later than 14 days after completing the internal review of such reports; and

(2) to publish in the Federal Register summaries of the findings of such reports, including the dates of any significant residual beryllium contamination, at such time as the reports are provided to Congress under paragraph (1).

SA 2557. Mr. WARNER (for Mr. GRAHAM) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title VII, add the following:

SEC. ___. COMPTROLLER GENERAL REPORT ON EXPANDED PARTNERSHIP BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS ON THE PROVISION OF HEALTH CARE SERVICES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the feasibility of an expanded partnership between the Department of Defense and the Department of Veterans Affairs for the provision of health care services.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An overview of the current health care systems of the Department of Defense and the Department of Veterans Affairs, including—

(A) the total number of eligible beneficiaries in each system as of September 30, 2005;

(B) the total number of current consumers of health care services in each system as of that date;

(C) the total cost of each system in the most recent fiscal year for which complete cost data for both systems exists;

(D) the annual workload or production of health care by beneficiary category in each system in the most recent fiscal year for which complete data on workload or production of health care for both systems exists;

(E) the total cost of health care by beneficiary category in each system in the most recent fiscal year for which complete cost data for both systems exists;

(F) the total staffing of medical and administrative personnel in each system as of September 30, 2005;

(G) the number and location of facilities, including both hospitals and clinics, operated by each system as of that date; and

(H) the size, capacity, and production of graduate medical education programs in each system as of that date.

(2) A comparative analysis of the characteristics of each health care system, including a determination and comparative analysis of—

(A) the mission of such systems;

(B) the demographic characteristics of the populations served by such systems;

(C) the categories of eligibility for health care services in such systems;

(D) the nature of benefits available by beneficiary category in such systems;

(E) access to and quality of health care services in such systems;

(F) the out-of-pocket expenses for health care by beneficiary category in such systems;

(G) the structure and methods of financing the care for all categories of beneficiaries in such systems;

(H) the management and acquisition of medical equipment and supplies in such systems, including pharmaceuticals and prosthetic and other medical assistive devices;

(I) the mix of health care services available in such systems;

(J) the current inpatient and outpatient capacity of such systems; and

(K) the human resource systems for medical personnel in such systems, including the rates of compensation for civilian employees.

(3) A summary of current sharing efforts between the health care systems of the Department of Defense and the Department of Veterans Affairs.

(4) An assessment of the advantages and disadvantages for military retirees and their dependents participating in the health care system of the Department of Veterans Affairs of an expanded partnership between the health care systems of the Department of Defense and the Department of Veterans Affairs, with a separate assessment to be made for—

(A) military retirees and dependents under the age of 65; and

(B) military retirees and dependents over the age of 65.

(5) Projections for the future growth of health care costs for retirees and veterans in the health care systems of the Department of Defense and the Department of Veterans Affairs, including recommendations on mechanisms to ensure more effective and higher quality services in the future for military retirees and veterans now served by both systems.

(6) Options for means of achieving a more effective partnership between the health care systems of the Department of Defense and the Department of Veterans Affairs, including options for the expansion of, and enhancement of access of military retirees and their dependents to, the health care system of the Department of Veterans Affairs.

(c) SOLICITATION OF VIEW.—In preparing the report required by subsection (a), the Comptroller General shall seek the views of representatives of military family organizations, military retiree organizations, and organizations representing veterans and their families.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services and Veterans Affairs' of the Senate; and

(2) the Committees on Armed Services and Veterans Affairs' of the House of Representatives.

SA 2558. Mr. WARNER (for Mr. SALAZAR) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

SEC. ___. GRANTS FOR LOCAL WORKFORCE INVESTMENT BOARDS FOR SERVICES FOR CERTAIN SPOUSES OF MEMBERS OF THE ARMED FORCES.

(a) GRANTS AUTHORIZED.—The Secretary of Defense may, from any funds authorized to be appropriated to the Department of Defense, and in consultation with the Department of Labor, make grants to local workforce investments boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832), or consortia of such boards, in order to permit such boards or consortia of boards to provide services to spouses of members of the Armed Forces described in subsection (b).

(b) COVERED SPOUSES.—Spouses of members of the Armed Forces described in this subsection are spouses of members of the Armed Forces on active duty, which spouses—

(1) have experienced a loss of employment as a direct result of relocation of such members to accommodate a permanent change in duty station; or

(2) are in a family whose income is significantly reduced due to—

(A) the deployment of such members;

(B) the call or order of such members to active duty in support of a contingency operation pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code;

(C) a permanent change in duty station of such members; or

(D) the incurral by such members of a service-connected disability (as that term is defined in section 101(16) of title 38, United States Code).

(c) REGULATIONS.—Any grants made under this section shall be made pursuant to regulations prescribed by the Secretary in consultation with the Department of Labor. Such regulation shall set forth—

(1) criteria for eligibility of workforce investment boards for grants under this section;

(2) requirements for applications for such grants; and

(3) the nature of services to be provided using such grants.

SA 2559. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

SEC. ___. REST AND RECUPERATION LEAVE PROGRAMS.

(a) AVAILABILITY OF FUNDS FOR REIMBURSEMENT OF EXPENSES.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $7,000,000 may be available for the reimbursement of expenses of the Armed Forces Recreation Centers related to the utilization of the facilities of the Armed Forces Recreation Centers under official Rest and Recuperation Leave Programs authorized by the military departments or combatant commanders.

(b) UTILIZATION OF REIMBURSEMENTS.—Amounts received by the Armed Forces Recreation Centers under subsection (a) as reimbursement for expenses may be utilized by such Centers for facility maintenance and repair, utility expenses, correction of health and safety deficiencies, and routine ground maintenance.

(c) REGULATIONS.—The utilization of facilities of the Armed Forces Recreation Centers under Rest and Recuperation Leave Programs, and reimbursement for expenses related to such utilization of such facilities, shall be subject to regulations prescribed by the Secretary of Defense.

SA 2560. Mr. WARNER (for Mr. FEINGOLD) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title V, add the following:

SEC. ___. REPORT ON INFORMATION ON STOP LOSS AUTHORITIES GIVEN TO ENLISTEES IN THE ARMED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense began retaining selected members of the Armed Forces beyond their contractual date of separation from the Armed Forces, a policy commonly known as ''stop loss'', shortly after the events of September 11, 2001, and for the first time since Operation Desert Shield/Desert Storm.

(2) The Marine Corps, Navy, and Air Force discontinued their use of stop loss authority in 2003. According to the Department of Defense, a total of 8,992 marines, 2,600 sailors, and 8,500 airmen were kept beyond their separation dates under that authority.

(3) The Army is the only Armed Force currently using stop loss authority. The Army reports that, during September 2005, it was retaining 6,929 regular component soldiers, 3,002 soldiers in the National Guard, and 2,847 soldiers in the Army Reserve beyond their separation date. The Army reports that it has not kept an account of the cumulative number of soldiers who have been kept beyond their separation date.

(4) The Department of Defense Form 4/1, Enlistment/Reenlistment Document does not give notice to enlistees and reenlistees in the regular components of the Armed Forces that they may be kept beyond their contractual separation date during times of partial mobilization.

(5) The Department of Defense has an obligation to clearly communicate to all potential enlistees and reenlistees in the Armed Forces their terms of service in the Armed Forces.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the actions being taken to ensure that each individual being recruited for service in the Armed Forces is provided, before making a formal enlistment in the Armed Forces, precise and detailed information on the period or periods of service to which such individual may be obligated by reason of enlistment in the Armed Forces, including any revisions to Department of Defense Form 4/1.

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) a description of how the Department informs enlistees in the Armed Forces on—

(i) the so-called ''stop loss'' authority and the manner in which exercise of such authority could affect the duration of an individual's service on active duty in the Armed Forces;

(ii) the authority for the call or order to active duty of members of the Individual Ready Reserve and the manner in which such a call or order to active duty could affect an individual following the completion of the individual's expected period of service on active duty or in the Individual Ready Reserve; and

(iii) any other authorities applicable to the call or order to active duty of the Reserves, or of the retention of members of the Armed Forces on active duty, that could affect the period of service of an individual on active duty or in the Armed Forces; and

(B) such other information as the Secretary considers appropriate.

SA 2561. Mr. WARNER (for Mr. BYRD) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle G of title X of division A, add the following:

SEC. 1073. COAL-TO-LIQUID FUEL DEVELOPMENT PLAN.

(a) DEFINITION OF DESIGNATED COMMITTEES.—In this section, the term ''designated committees'' means—

(1) the Committees on Armed Services, Energy and Natural Resources, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Energy and Commerce, and Appropriations of the House of Representatives.

(b) DEVELOPMENT PLAN AND REPORT.—Not later than 90 days after the date of enactment of this Act, using amounts available to the Department of Defense and the National Energy Technology Laboratory of the Department of Energy—

(1) the Secretary of Energy, in coordination with the Secretary of Defense, shall prepare and submit to the designated committees a development plan for a coal-to-liquid fuels program; and

(2) the Secretary of Defense, in coordination with the Secretary of Energy, shall prepare and submit to the designated committees a report on the potential use of the fuels by the Department of Defense.

(c) REQUIREMENTS.—The development plan described in subsection (b)(1) shall be prepared taking into consideration—

(1) technology needs and developmental barriers;

(2) economic and national security effects;

(3) environmental standards and carbon capture and storage opportunities;

(4) financial incentives;

(5) timelines and milestones;

(6) diverse regions having coal reserves that would be suitable for liquefaction plants;

(7) coal-liquid fuel testing to meet civilian and military engine standards and markets; and

(8) any roles other Federal agencies, State governments, and international entities could play in developing a coal-to-liquid fuel industry.

SA 2562. Mr. WARNER (for Mr. CRAIG (for himself, Mr. ROBERTS, Mr. BROWNBACK, Ms. MIKULSKI, Mr. WARNER, and Mr. SALAZAR)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. DENIAL OF CERTAIN BURIAL-RELATED BENEFITS FOR INDIVIDUALS WHO COMMITTED A CAPITAL OFFENSE.

(a) PROHIBITION AGAINST INTERMENT IN NATIONAL CEMETERY.—Section 2411 of title 38, United States Code, is amended—

(1) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

''(1) A person whose conviction of a Federal capital crime is final.''; and

(B) by amending paragraph (2) to read as follows:

''(2) A person whose conviction of a State capital crime is final.''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking ''the death penalty or life imprisonment'' and inserting ''a life sentence or the death penalty''; and

(B) in paragraph (2), by striking ''the death penalty or life imprisonment without parole may be imposed'' and inserting ''a life sentence or the death penalty may be imposed''.

(b) DENIAL OF CERTAIN BURIAL-RELATED BENEFITS.—Section 985 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''who has been convicted of a capital offense under Federal or State law for which the person was sentenced to death or life imprisonment without parole.'' and inserting ''described in section 2411(b) of title 38.'';

(2) in subsection (b), by striking ''convicted of a capital offense under Federal law'' and inserting ''described in section 2411(b) of title 38''; and

(3) by amending subsection (c) to read as follows:

''(c) DEFINITION.—In this section, the term 'burial' includes inurnment.''.

(c) DENIAL OF FUNERAL HONORS.—Section 1491(h) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking '' means a decedent who—'' and inserting the following: ''—

''(1) means a decedent who—'';

(3) in subparagraph (B), as redesignated, by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(2) does not include any person described in section 2411(b) of title 38.''.

(d) RULEMAKING.—

(1) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall prescribe regulations to ensure that a person is not interred in any military cemetery under the authority of the Secretary or provided funeral honors under section 1491 of title 10, United States Code, unless a good faith effort has been made to determine whether such person is described in section 2411(b) of title 38, United States Code, or is otherwise ineligible for such interment or honors under Federal law.

(2) DEPARTMENT OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall prescribe regulations to ensure that a person is not interred in any cemetery in the National Cemetery System unless a good faith effort has been made to determine whether such person is described in section 2411(b) of title 38, United States Code, or is otherwise ineligible for such interment under Federal law.

(e) SAVINGS PROVISION.—The amendments made by subsections (a), (b), and (c) shall not apply to any person whose sentence for a Federal capital crime or a State capital crime (as such terms are defined in section 2411(d) of title 38, United States Code) was commuted by the President or the Governor of a State.

SA 2563. Mr. WARNER (for Mr. FEINGOLD) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title X, add the following:

SEC. ___. ANNUAL REPORTS ON BUDGETING RELATING TO KEY MILITARY EQUIPMENT.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 234. Budgeting for key military equipment: annual reports

''(a) ANNUAL REPORT REQUIRED.—The Secretary of Defense shall submit to Congress each year, at or about the time that the budget of the President is submitted to Congress that year under section 1105(a) of title 31, a report on the budgeting of the Department of Defense for key military equipment.

''(b) REPORT ELEMENTS.—The report required by subsection (a) for a year shall set forth the following:

''(1) A description of the current strategies of the Department of Defense for sustaining key military equipment, and for any modernization that will be required of such equipment.

''(2) A description of the amounts required for the Department for the fiscal year beginning in such year in order to fully fund the strategies described in paragraph (1).

''(3) A description of the amounts requested for the Department for such fiscal year in order to fully fund such strategies.

''(4) A description of the risks, if any, of failing to fund such strategies in the amounts required to fully fund such strategies (as specified in paragraph (2)).

''(5) A description of the actions being taken by the Department of Defense to mitigate the risks described in paragraph (4).

''(c) KEY MILITARY EQUIPMENT DEFINED.—In this section, the term 'key military equipment'—

''(1) means—

''(A) major weapons systems that are essential to accomplishing the national defense strategy; and

''(B) other military equipment, such as major command, communications, computer intelligence, surveillance, and reconnaissance (C4ISR) equipment and systems designed to prevent fratricide, that is critical to the readiness of military units; and

''(2) includes equipment reviewed in the report of the Comptroller General of the United States numbered GAO–06–141.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''234. Budgeting for key military equipment: annual reports.''.

SA 2564. Mr. WARNER (for Mr. MARTINEZ (for himself and Mr. WARNER)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

SEC. ___. IMPROVEMENT OF AUTHORITIES ON GENERAL GIFT FUNDS OF THE DEPARTMENT OF DEFENSE.

(a) RESTATEMENT AND EXPANSION OF CURRENT AUTHORITY.—Subsection (a) of section 2601 of title 10, United States Code, is amended to read as follows:

''(a)(1) Subject to subsection (b), the Secretary concerned may accept, hold, administer, and spend any gift, devise, or bequest of real or personal property made on the condition that it be used for the benefit, or in connection with, the establishment, operation, or maintenance of a school, hospital, library, museum, cemetery, or other institution or organization under the jurisdiction of such Secretary.

''(2)(A) Subject to subsection (b), the Secretary concerned may accept, hold, administer, and spend any gift, devise, or bequest of real or personal property made on the condition that it be used for the benefit of members of the armed forces or civilian employees of United States Government, or the dependents or survivors of such members or employees, who are wounded or killed while serving in Operation Iraqi Freedom, Operation Enduring Freedom, or any other military operation or activity, or geographic area, designated by the Secretary of Defense for purposes of this section.

''(B) The Secretary of Defense shall prescribe regulations specifying the conditions that may be attached to a gift, devise, or bequest accepted under this paragraph.

''(C) The authority to accept gifts, devises, or bequests under this paragraph shall expire on December 31, 2007.

''(3) The Secretary concerned may pay all necessary expenses in connection with the conveyance or transfer of a gift, devise, or bequest made under this subsection.''.

(b) SCOPE OF AUTHORITY TO USE ACCEPTED PROPERTY.—Such section is further amended—

(1) by redesignating subsections (b), (c) and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

''(b)(1) Except as provided in paragraph (2), property accepted under subsection (a) may be used by the Secretary concerned without further specific authorization in law.

''(2) Property accepted under subsection (a) may not be used—

''(A) if the use of such property in connection with any program, project, or activity would result in the violation of any prohibition or limitation otherwise applicable to such program, project, or activity;

''(B) if the conditions attached to such property are inconsistent with applicable law or regulations;

''(C) if the use of such property would reflect unfavorably on ability of the Department of Defense, any employee of the Department, or any member of the armed forces to carry out any responsibility or duty of the Department in a fair and objective manner; or

''(D) if the use of such property would compromise the integrity or appearance of integrity of any program of the Department of Defense, or any individual involved in such a program.''.

(c) CONFORMING AMENDMENT.—Subsection (c) of such section, as redesignated by subsection (b)(1) of this section, is further amended in the flush matter following paragraph (4) by striking ''benefit or use of the designated institution or organization'' and inserting ''purposes specified in subsection (a)''.

(d) GAO AUDITS.—Such section is further amended by adding at the end the following new subsection:

''(f) The Comptroller General of the United States shall make periodic audits of real or personal property accepted under subsection (a) at such intervals as the Comptroller General determines to be warranted. The Comptroller General shall submit to Congress a report on the results of each such audit.''.

SA 2565. Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title V, add the following:

SEC. ___. SENSE OF SENATE ON APPLICABILITY OF UNIFORM CODE OF MILITARY JUSTICE TO RESERVES ON INACTIVE-DUTY TRAINING OVERSEAS.

It is the sense of the Senate that—

(1) there should be no ambiguity about the applicability of the Uniform Code of Military Justice (UCMJ) to members of the reserve components of the Armed Forces while serving overseas under inactive-duty training (IDT) orders for any period of time under such orders; and

(2) the Secretary of Defense should—

(A) take action, not later than February 1, 2006, to clarify jurisdictional issues relating to such applicability under section 802 of title 10, United States Code (article 2 of the Uniform Code of Military Justice); and

(B) if necessary, submit to Congress a proposal for legislative action to ensure the applicability of the Uniform Code of Military Justice to members of the reserve components of the Armed Forces while serving overseas under inactive-duty training orders.

SA 2568. Mr. WARNER (for Mr. MCCONNELL) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

SEC. ___. COMMEMORATION OF SUCCESS OF THE ARMED FORCES IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.

(a) FINDING.—Congress finds that it is both right and appropriate that, upon their return from Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq, all soldiers, sailors, marines, and airmen in the Armed Forces who served in those operations be honored and recognized for their achievements, with appropriate ceremonies, activities, and awards commemorating their sacrifice and service to the United States and the cause of freedom in the Global War on Terrorism.

(b) CELEBRATION HONORING MILITARY EFFORTS IN OPERATION ENDURING FREEDOM AND

OPERATION IRAQI FREEDOM.—The President may, at the sole discretion of the President—

(1) designate a day of celebration to honor the soldiers, sailors, marines, and airmen of the Armed Forces who have served in Operation Enduring Freedom or Operation Iraqi Freedom and have returned to the United States; and

(2) issue a proclamation calling on the people of the United States to observe that day with appropriate ceremonies and activities.

(c) PARTICIPATION OF ARMED FORCES IN CELEBRATION.—

(1) PARTICIPATION AUTHORIZED.—Members and units of the Armed Forces may participate in activities associated with the day of celebration designated under subsection (b) that are held in Washington, District of Columbia.

(2) AVAILABILITY OF FUNDS.—Subject to paragraph (4), amounts authorized to be appropriated for the Department of Defense may be used to cover costs associated with the participation of members and units of the Armed Forces in the activities described in paragraph (1).

(3) ACCEPTANCE OF PRIVATE CONTRIBUTIONS.—(A) Notwithstanding any other provision of law, the Secretary of Defense may accept cash contributions from private individuals and entities for the purposes of covering the costs of the participation of members and units of the Armed Forces in the activities described in paragraph (1). Amounts so accepted shall be deposited in an account established for purposes of this paragraph.

(B) Amounts accepted under subparagraph (A) may be used for the purposes described in that subparagraph until expended.

(4) LIMITATION.—The total amount of funds described in paragraph (2) that are available for the purpose set forth in that paragraph may not exceed the amount equal to—

(A) $20,000,000, minus

(B) the amount of any cash contributions accepted by the Secretary under paragraph (3).

(d) AWARD OF RECOGNITION ITEMS.—

(1) AUTHORITY TO AWARD.—Under regulations prescribed by the Secretary of Defense, appropriate recognition items may be awarded to any individual who served honorably as a member of the Armed Forces in Operation Enduring Freedom or Operation Iraqi Freedom during the Global War on Terrorism. The purpose of the award of such items is to recognize the contribution of such individuals to the success of the United States in those operations.

(2) RECOGNITION ITEMS DEFINED.—In this subsection, the term ''recognition items'' means recognition items authorized for presentation under section 2261 of title 10, United States Code (as amended by section 593(a) of this Act).

SA 2567. Mr. WARNER (for Mr. MCCONNELL) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 310, in the table following line 16, insert after the item relating to Fort Campbell, Kentucky, the following:

	Fort Knox	$4,600,000

On page 311, in the table preceding line 1, strike the amount identified as the total in the amount column and insert ''$1,199,722,000''.

On page 317, between lines 3 and 4, insert the following:

SEC. 2105. CONSTRUCTION OF BATTALION DINING FACILITIES, FORT KNOX, KENTUCKY.

(a) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2104(a) for military construction, land acquisition, and military family housing functions of the Department of the Army and the amount of such funds authorized by paragraph (1) of such subsection for military construction projects inside the United States are each hereby decreased by $3,600,000.

(b) USE OF FUNDS.—Of the amount authorized to be appropriated by section 2104(a)(1) for the Department of the Army and available for military construction at Fort Knox, Kentucky, $4,600,000 is available for the construction of battalion dining facilities at Fort Knox.

SA 2568. Mr. WARNER (for Mr. LEVIN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title IX, add the following:

SEC. ___. RESPONSIBILITY OF THE JOINT CHIEFS OF STAFF AS MILITARY ADVISERS TO THE HOMELAND SECURITY COUNCIL.

(a) RESPONSIBILITY AS MILITARY ADVISERS.—

(1) IN GENERAL.—Subsection (b) of section 151 of title 10, United States Code, is amended—

(A) in paragraph (1), by inserting ''the Homeland Security Council,'' after ''the National Security Council,''; and

(B) in paragraph (2), by inserting ''the Homeland Security Council,'' after ''the National Security Council,''.

(2) CONSULTATION BY CHAIRMAN.—Subsection (c)(2) of such section is amended by inserting ''the Homeland Security Council,'' after ''the National Security Council,'' both places it appears.

(3) ADVICE AND OPINIONS OF MEMBERS OTHER THAN CHAIRMAN.—Subsection (d) of such section is amended—

(A) in paragraph (1), by inserting ''the Homeland Security Council,'' after ''the National Security Council,'' both places it appears; and

(B) in paragraph (2), by inserting ''the Homeland Security Council,'' after ''the National Security Council,''.

(4) ADVICE ON REQUEST.—Subsection (e) of such section is amended by inserting ''the Homeland Security Council,'' after ''the National Security Council,'' both places it appears.

(b) ATTENDANCE AT MEETING OF HOMELAND SECURITY COUNCIL.—Section 903 of the Homeland Security Act of 2002 (6 U.S.C. 493) is amended—

(1) by inserting ''(a) MEMBERS.—'' before ''The members''; and

(2) by adding at the end the following new subsection:

''(b) ATTENDANCE OF CHAIRMAN OF JOINT CHIEFS OF STAFF AT MEETINGS.—The Chairman of the Joint Chiefs of Staff (or, in the absence of the Chairman, the Vice Chairman of the Joint Chiefs of Staff) may, in the role of the Chairman of the Joint Chiefs of Staff as principal military adviser to the Homeland Security Council and subject to the direction of the President, attend and participate in meetings of the Homeland Security Council.''.

SA 2569. Mr. WARNER (for Mr. SALAZAR) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 286, between lines 7 and 8, insert the following:

SEC. 1073. SENSE OF SENATE ON COMMON REMOTELY OPERATED WEAPONS STATION (CROWS) PLATFORM.

(a) FINDINGS.—The Senate makes the following findings:

(1) With only a few systems deployed, the Common Remotely Operated Weapons Station (CROWS) platform is already saving the lives of soldiers today in Iraq by moving soldiers out of the exposed gunner's seat and into the protective shell of an up-armored Humvee.

(2) The Common Remotely Operated Weapons Station platform dramatically improves battlefield awareness by providing a laser rangefinder, night vision, telescopic vision, a fire control computer that allows on-the-move target acquisition, and one-shot one-kill accuracy at the maximum range of a weapon.

(3) As they become available, new technologies can be incorporated into the Common Remotely Operated Weapons Station platform, thus making the platform scalable.

(4) The Army has indicated that an additional $206,000,000 will be required in fiscal year 2006 to procure 750 Common Remotely Operated Weapons Station units for the Armed Forces, and to prepare for future production of such weapons stations.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President should include in the next request submitted to Congress for supplemental funding for military operations in Iraq and Afghanistan sufficient funds for the production in fiscal year 2006 of a number of Common Remotely Operated Weapons Station units that is adequate to meet the requirements of the Armed Forces.

SA 2570. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year

for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

SEC. ___. INCLUSION OF PACKET BASED TELEPHONY IN DEPARTMENT OF DEFENSE TELECOMMUNICATIONS BENEFIT.

(a) INCLUSION IN BENEFIT.—Subsection (a) of section 344 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1448) is amended by inserting ''packet based telephony service,'' after ''prepaid phone cards,''.

(b) INCLUSION OF INTERNET TELEPHONY IN DEPLOYMENT OF ADDITIONAL TELEPHONE EQUIPMENT.—Subsection (e) of such section is amended—

(1) by inserting ''or Internet service'' after ''additional telephones'';

(2) by inserting ''or packet based telephony'' after ''to facilitate telephone''; and

(3) by inserting ''or Internet access'' after ''installation of telephones''.

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in the subsection caption of subsection (a), by striking ''PREPAID PHONE CARDS'' and inserting ''BENEFIT''; and

(2) in the subsection caption of subsection (e), by inserting ''OR INTERNET ACCESS'' after ''TELEPHONE EQUIPMENT''.

SA 2571. Mr. WARNER (for Ms. COLLINS) (for herself and Ms. SNOWE)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title VIII, add the following:

SEC. ___. SENSE OF SENATE ON APPLICABILITY OF COMPETITION EXCEPTIONS TO ELIGIBILITY OF NATIONAL GUARD FOR FINANCIAL ASSISTANCE FOR PERFORMANCE OF ADDITIONAL DUTIES.

It is the sense of the Senate that the amendment made by section 806 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2010) permits the Secretary of Defense to provide financial assistance to the Army National Guard for the performance of additional duties specified in section 113(a) of title 32, United States Code, without the use of competitive procedures under the standard exceptions to the use of such procedures in accordance with section 2304(c) of title 10, United States Code.

SA 2572. Mr. WARNER (for Mr. DURBIN) (for himself, Mr. VITTER, Mr. WYDEN, Mr. DAYTON, Ms. LANDRIEU, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. SCHUMER)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. VETERANS PREFERENCE ELIGIBILITY FOR MILITARY RESERVISTS.

(a) SHORT TITLE.—This section may be cited as the ''Reservist Access to Veterans Preference Act''.

(b) VETERANS PREFERENCE ELIGIBILITY.—Section 2108(1) of title 5, United States Code, is amended by striking ''separated from'' and inserting ''discharged or released from active duty in''.

(c) SAVINGS PROVISION.—Nothing in the amendment made by subsection (b) may be construed to affect a determination made before the date of enactment of this Act that an individual is preference eligible (as defined in section 2108(3) of title 5, United States Code).

SA 2573. Mr. WARNER (for Mr. DEWINE) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 718. STUDY AND REPORT ON CIVILIAN AND MILITARY PARTNERSHIP PROJECT.

(a) STUDY.—The Secretary of Defense shall conduct a study on the feasibility of conducting a military and civilian partnership project to permit employees of the Department of Defense and of a non-profit health care entity to jointly staff and provide health care services to military personnel and civilians at a Department of Defense military treatment facility.

(b) REPORT.—Not later than December 31, 2006, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study required by subsection (a).

SA 2574. Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place in title VIII, insert:

SEC. ___ Contracting Incentive for Small Power Plants on Former Military Bases.

(A) AUTHORIZATION.—Notwithstanding the limitation in Section 501(b)(1)(B) of title 40, United States Code, the Administrator of the General Services Administration is authorized to contract for public utility services for a period of not more than 20 years, provided that such services are electricity services procured from a small power plant located on a qualified HUBZone base closure area.

(B) DEFINITION OF SMALL POWER PLANT.—In this section, the term small power plant includes any power facility or project with electrical output of not more than 60 Megawatts.

(C) DEFINITION OF PUBLIC UTILITY ELECTRIC SERVICES.—In this section, the term 'public utility services', with respect to electricity services, includes electricity supplies and services, including transmission, generation, distribution, and other services directly used in providing electricity.''

(D) DEFINITION OF HUBZONE BASE CLOSURE AREA: In this section, the term ''HUBZone base closure area'' has the same meaning as such term is defined in Section 3(P)(4)(D) the Small Business Act, 15 USC 632(p)(4)(D).

(E) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Contracting pursuant to this section shall be subject to all other laws and regulations applicable to contracting for public utility services.

SA 2575. Mr. WARNER (for himself and Mr. MCCAIN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. ___. EXTENSION OF ANNUAL REPORTS ON MATURITY OF TECHNOLOGY AT INITIATION OF MAJOR DEFENSE ACQUISITION PROGRAMS.

Section 804(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1180) is amended by striking ''through 2006'' and inserting ''through 2010''.

SA 2576. Mr. WARNER (for Mr. BYRD) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 337, between lines 4 and 5, insert the following:

SEC. 2602. NATIONAL GUARD CONSTRUCTION PROJECTS.

(a) ARMY NATIONAL GUARD AT CAMP DAWSON, WEST VIRGINIA.—

(1) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(1)(A) for the Department of the Army for the Army National Guard of the United States is hereby increased by $4,500,000.

(2) USE OF FUNDS.—Of the amount authorized to be appropriated by section 2601(1)(A) for the Department of the Army for the Army National Guard of the United States, as increased by paragraph (1), $4,500,000 is available for the construction of a readiness center at Camp Dawson, West Virginia.

(3) OFFSET.—The amount authorized to be appropriated by section 2601(3)(A) for the Department of the Air Force for the Air National Guard of the United States, and available for the construction of a bridge/gate house/force protection entry project at Camp Yeager, West Virginia, is hereby decreased by $4,500,000.

(b) AIR NATIONAL GUARD AT EASTERN WEST VIRGINIA REGIONAL AIRPORT.—Of the amount authorized to be appropriated by section 2603(3)(A) for the Department of the Air Force for the Air National Guard of the United States, and otherwise available for the construction of a bridge/gate house/force protection entry project at Yeager Air National Guard Base, West Virginia, $2,000,000 shall be available instead for C-5 aircraft shop upgrades at Eastern West Virginia Regional Airport, Shepherd Field, Martinsburg, West Virginia.

SA 2577. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of

the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle C of title III, add the following:

SEC. ___. REPORT ON EFFECTS OF WINDMILL FARMS ON MILITARY READINESS.

(a) FINDING.—Congress finds that the Ministry of Defence of the United Kingdom has determined, as a result of a recently conducted study of the effect of windmill farms on military readiness, not to permit construction of windmill farms within 30 kilometers of military radar installations.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the effects of windmill farms on military readiness, including an assessment of the effects on the operations of military radar installations of the proximity of windmill farms to such installations and of technologies that could mitigate any adverse effects on military operations identified.

SA 2578. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title XXXI, add the following:

SEC. ___. REPORT ON ADVANCED TECHNOLOGIES FOR NUCLEAR POWER REACTORS IN THE UNITED STATES.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report on advanced technologies for nuclear power reactors in the United States.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description and assessment of technologies under development for advanced nuclear power reactors that offer the potential for further enhancements of the safety performance of nuclear power reactors.

(2) A description and assessment of technologies under development for advanced nuclear power reactors that offer the potential for further enhancements of proliferation-resistant nuclear power reactors.

(c) FORM OF REPORT.—The information in the report required by subsection (a) shall be presented in manner and format that facilitates the dissemination of such information to, and the understanding of such information by, the general public.

SA 2579. Mr. WARNER (for Mr. BAYH) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title X, add the following:

SEC. ___. QUARTERLY REPORTS ON WAR STRATEGY IN IRAQ.

(a) QUARTERLY REPORTS.—At the same time the Secretary of Defense submits to Congress each report on stability and security in Iraq that is submitted to Congress after the date of the enactment of this Act under the Joint Explanatory Statement of the Committee on Conference to accompany the conference report on the bill H.R. 1268 of the 109th Congress, the Secretary of Defense and appropriate personnel of the Central Intelligence Agency shall provide the appropriate committees of Congress a briefing on the strategy for the war in Iraq, including the measures of evaluation utilized in determining the progress made in the execution of that strategy.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committees on Armed Services and Appropriations of the Senate; and

(2) the Committees on Armed Services and Appropriations of the House of Representatives.

SA 2580. Mr. SANTORUM (for Mr. FRIST) proposed an amendment to the bill H.R. 1499, To amend the Internal Revenue Code of 1986 to allow members of the Armed Forces serving in a combat zone to make contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income; as follows:

On page 3, line 3, change ''December 31, 2004'' to ''December 31, 2003''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, November 16, 2005, at 10 a.m. in room 216 of the Hart Senate Office Building to conduct an oversight hearing on the In Re Tribal Lobbying Matters, Et Al. Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 15, 2005, at 10 a.m. to conduct a hearing on the nomination of Mr. Ben S. Bernanke, of New Jersey, to be a member and chairman of the Board of Governors of the Federal Reserve System.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday November 15, 2005, at 10 a.m., on Public Policy Options for Encouraging Alternative Automotive Fuel Technologies.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, November 15, at 10 a.m. The purpose of this hearing is to evaluate and receive a status report on the environmental management programs of the Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Tuesday, November 15, 2005, at 10 a.m. to consider an original bill that will include the Committee's budget reconciliation instructions pertaining to expiring tax provisions and also additional incentives for hurricane affected areas.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, November 15, 2005, at 9:30 a.m. to hold a hearing on Treaties.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to meet to conduct a hearing on ''Judicial Nominations'' on Tuesday, November 15, 2005 at 2:30 p.m. in the Dirksen Senate Office Building Room 226.

Witness List

Panel I: Members of Congress.

Panel II: Virginia Mary Kendall to be United States District Judge for the Northern District of Illinois; Kristi DuBose to be United States District Judge for the Southern District of Alabama; W. Keith Watkins to be United States District Judge for the Middle District of Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. WARNER. Mr. President, I ask unanimous consent that the subcommittee on Airland be authorized to meet during the session of the Senate on November 15, 2005, at 2:30 p.m., in open session to receive testimony on defense acquisition issues related to tactical aviation and army programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on

Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, November 15, 2005, at 3 p.m. for a hearing regarding ''Iran: Teheran's Nuclear Recklessness and the U.S. Response—The Experts' Perspective.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, November 15 at 2:30 p.m. The purpose of the hearing is to receive testimony on the following Bills: S. 431, a Bill to establish a program to award grants to improve and maintain sites honoring Presidents of the United States, S. 505, a bill to amend the Yuma Crossing National Heritage ARA Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area, S. 1288, a Bill to authorize the Secretary of the Interior to enter into cooperative agreements to protect natural resources of units of the National Park System through collaborative efforts on land inside and outside of units of the National Park System, S. 1544, a Bill to establish the Northern Plains National Heritage Area in the State of North Dakota, and for other purposes, S. Con. Res. 60, a concurrent resolution designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America's National Negro Leagues Baseball Museum, S. 748 and H.R. 1084, Bills to authorize the establishment at Antietam National Battlefield of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862, and for other purposes, and H.R. 2107, to amend Public Law 104–329 to modify authorities for the use of the Notational Law Enforcement Officers Memorial Maintenance Fund, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. SALAZAR. Mr. President, I ask unanimous consent that a member of my staff, Velina Wallick, and a science fellow in my office, John Plumb, be granted the privilege of the floor during the duration of today's Senate business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that Chris Crawford of the Appropriations Committee staff be granted the privilege of the floor during consideration of H.R. 2862.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that Harry Christy and Bob Lester of the State Foreign Operations and Related Programs Subcommittee be granted the privilege of the floor during considering of the fiscal year 2006 Science, State, Justice, Commerce and related agencies conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I ask unanimous consent that MAJ Alison Thompson, a Marine fellow in the office of Senator ELIZABETH DOLE, be granted the privilege of the floor for November 16.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 1783

Mr. SANTORUM. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the immediate consideration of calendar No. 231, S. 1783. I further ask that the managers' substitute at the desk be agreed to as original text for purpose of further amendment and that the only other amendments in order be an amendment offered by Senator ISAKSON or his designee on airline pension plans and an amendment to be offered by Senator AKAKA on pilots, the text of which is at the desk. I further ask unanimous consent that general debate on the bill be limited to 2 hours equally divided, and the debate on the Isakson and Akaka amendments be limited to 30 minutes equally divided, respectively, and that following the disposition of those specified amendments, the bill, as amended, be read a third time, and the Senate proceed to vote on passage, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEED AMERICA THURSDAY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 314, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 314) designating Thursday, November 17, 2005, as ''Feed America Thursday.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 314) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 314

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which our Nation was founded;

Whereas 33,000,000 Americans, including 13,000,000 children, continue to live in households that do not have an adequate supply of food;

Whereas almost 3,000,000 of those children experience hunger; and

Whereas selfless sacrifice breeds a genuine spirit of Thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

Resolved, That the Senate—

(1) designates Thursday, November 17, 2005, as ''Feed America Thursday''; and

(2) calls upon the people of the United States to sacrifice 2 meals on Thursday, November 17, 2005, and to donate the money that they would have spent on food to a religious or charitable organization of their choice for the purpose of feeding the hungry.

BICENTENNIAL ANNIVERSARY OF ARRIVAL OF LEWIS AND CLARK AT THE PACIFIC OCEAN

Mr. SANTORUM. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 315 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 315) to commemorate the bicentennial anniversary of the arrival of Lewis and Clark at the Pacific Ocean.

There being no objection, the Senate proceeded to the consideration of the resolution.

Ms. CANTWELL. Mr. President, I rise today in support of a Senate resolution commemorating the bicentennial of Lewis and Clark's remarkable arrival on the Pacific Coast. I am pleased that Senators MURRAY and WYDEN are original cosponsors of the resolution.

Meriwether Lewis and William Clark's epic journey explored and charted the western frontier of our fledgling Nation.

This journey was America's great odyssey. It marked our Nation's coming of age and represents its core values: courage, innovation, perseverance, and opportunity.

And two centuries ago, they reached their destination. On Nov. 7 1805, William Clark wrote in this in his journal:

Great joy in camp, we are in View of the Ocean, this great Pacific Ocean which we been so long anxious to See and the roaring or noise made by the waves breaking on the rocky Shores may be heard distinctly.

It's no wonder he was so excited. Their expedition began a year and half earlier and 4,000 meandering miles east.

President Thomas Jefferson had charged them with finding the most direct, practical water route across the continent.

When Clark wrote that they had seen the Pacific on that day, 200 years ago, he was slightly off target. They were actually 25 miles away, in the Columbia's widening estuary.

Dangerous storms, wind, rain, and waves battered them without relent. They were trapped for 6 days and forced to hunker down at the spot we now call Clark's Dismal Nitch.

When the weather finally cleared, they moved west to Station Camp. They set down for ten days and got their first real glimpse of the Pacific.

Expedition-member Sgt. Patrick Gass wrote: ''We could see the waves, like small mountains, rolling out in the ocean.''

Station Camp also marks the spot where Lewis and Clark held a historic democratic vote among all of the group's members—including Sacagawea and the African American slave, York—to determine where the expedition should stay for the winter.

On November 19, William Clark took 11 expedition members from Station Camp on an excursion beyond camp, and for the first time saw a full view of the Pacific Ocean.

That land, now called Cape Disappointment, marks the westernmost point of their journey. Its name belies the great hope and joy that moment inspired in our travel-worn heroes.

Today, in Washington State, you can visit these historic locations and find that hope again. Dismal Nitch, Station Camp, Cape Disappointment: In addition to Oregon's Fort Clatsop and other nearby state parks, they comprise America's newest national park.

I introduced legislation with Representative BRIAN BAIRD to create the Lewis and Clark National Historic Park: to preserve those beautiful and precious lands, to build local tourism, and to educate future generations.

Last November, President Bush signed it into law. This November, we celebrate an incredible bicentennial.

Lewis and Clark produced the first maps and charts of a previously undocumented region.

They created an invaluable record of the native cultures, the flora, and the fauna they encountered on their journey.

Prior to the expedition, the United States' claim to the Pacific Northwest, was tenuous at best, based on American sea captain Robert Gray's discovery of the Columbia River in 1792.

And so: Lewis and Clark's expedition, more than a decade later, was crucial to securing the claim. It was crucial to the eventual creation of all the States in the Pacific Northwest.

More fundamentally though: their task was to explore the unknown. In doing so, they expanded the boundaries of our Nation and pushed the limits of what we were capable, as a people.

It was not easy for them; it rarely is. But many have come after Lewis and Clark. Inspired by their spirit, we have transformed our great Nation many times over in those 200 years.

We would be wise to turn to Lewis and Clark again, as we confront so many critical challenges before us today.

Only by truly reaching beyond our grasp, can we make our Nation great, as Thomas Jefferson said: ''from Sea to Shining Sea.''

I yield the floor.

Mr. SANTORUM. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 315) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 315

Whereas, on January 18, 1803, President Thomas Jefferson began an extraordinary journey by sending a secret message to Congress requesting approval and funding to establish the ''Corps of Volunteers for Northwest Discovery'' to explore the most direct and practical water route across the continent of the United States all the way to the Pacific Ocean;

Whereas, on May 14, 1804, the journey up the Missouri River and across the vast and newly acquired Louisiana Territory began at Camp Dubois, Illinois, led by Captain Meriwether Lewis and Second Lieutenant William Clark;

Whereas after a long year and a half and 4,133 arduous miles, the expedition endured a dangerous storm of wind, rain, and waves for 6 days at Clark's Dismal Nitch;

Whereas, on November 13, 1805, the Corps of Discovery moved further west to Station Camp and beheld their first comprehensive view of the Pacific Ocean, and thereby began the realization of the vision of President Jefferson of a country ''from sea to shining sea'';

Whereas Station Camp also marks the occurrence of a historical democratic vote to determine where to stay for winter that included all members of the expedition, including Sacagawea, an Indian woman, and York, an African American slave;

Whereas, on November 19, 1805, Clark and 11 of his men set out on an ocean excursion, hiking 25 miles to Cape Disappointment to get a complete view of the Pacific Ocean and reach the furthest western point of the expedition;

Whereas the expedition built their winter camp on the south side of the Columbia River at Fort Clatsop, Oregon, named in honor of the friendly local Clatsop Indians, and the 33 member party spent 106 days among lush old-growth forest, wetlands, and wildlife preparing for their long journey back to St. Louis, Missouri;

Whereas Lewis and Clark's Corps of Discovery produced detailed journals with maps, charts, samples, and descriptions of the previously undocumented western geography, climate, plants, animals, and native cultures from which the Nation continues to benefit today;

Whereas the Lewis and Clark Expedition marks a significant benchmark in American history and a crucial step in securing the claim and the eventual creation of all the States in the Pacific Northwest;

Whereas the exploration of the western frontier of our fledgling Nation was the great odyssey of America, symbolic of the core values of teamwork, courage, perseverance, science, and opportunity held by the United States;

Whereas, on October 30, 2004, President George W. Bush signed into law legislation creating the Lewis and Clark National Historical Park which preserves these 3 Washington State sites integral to the dramatic arrival of the expedition at the Pacific Ocean, and incorporates Fort Clatsop of Oregon and important State parks for the benefit and education of generations to come; and

Whereas, during November 2005, Washington and Oregon are hosting, ''Destination: The Pacific'', a unique commemoration of the 200 year anniversary of the arrival of the Corps of Discovery in the Pacific Northwest: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the bicentennial anniversary of the arrival of Lewis and Clark at the Pacific Ocean; and

(2) recognizes that by exploring the unknown frontier, Lewis and Clark expanded the boundaries of our great Nation and pushed the limits of what we are capable of as citizens.

RECOGNIZING THE 40TH ANNIVERSARY OF THE WHITE HOUSE FELLOWS PROGRAM

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to H. Con. Res. 269.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 269) recognizing the 40th anniversary of the White House Fellows Program.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SANTORUM. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 269) was agreed to.

The preamble was agreed to.

BICENTENNIAL ANNIVERSARY OF ZEBULON MONTGOMERY PIKE'S EXPLORATIONS

Mr. SANTORUM. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 252 and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 252) recognizing the Bicentennial Anniversary of Zebulon Montgomery Pike's explorations in the interior west of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SANTORUM. I ask unanimous consent that the resolution be agreed

to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 252) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 252

Whereas Zebulon Montgomery Pike was born January 5, 1779, in Lamberton, New Jersey, to a military family, which quickly was on the move across the Nation with Pike growing up on frontier military posts;

Whereas Zebulon Montgomery Pike served the United States with distinction, initially as a commissioned First Lieutenant in the First Infantry Regiment of the United States Army, later as a Captain, further as a Colonel of the 15th Regiment during the War of 1812, and ultimately as a Brigadier General in 1813;

Whereas in July of 1806, Zebulon Montgomery Pike was given the assignment of leading an expedition west from present-day St. Louis, Missouri, up the Arkansas River to its source in the highest of the Rocky Mountains, then into Colorado's San Luis Valley;

Whereas Zebulon Montgomery Pike and his expedition traveled through the present day states of Missouri, Nebraska, Kansas, and Colorado observing the geography, natural history, and population of the country through which he passed;

Whereas Zebulon Montgomery Pike and his expedition reached the site of present day Pueblo, Colorado on November 23, 1806, and, fascinated with a blue peak in the Rocky Mountains to the west, Pike set out to explore the mountain;

Whereas Zebulon Montgomery Pike was prevented from completing the ascent due to waist-deep snow, inadequate clothing, and sub-zero temperatures, and so chose to turn back for the safety of his expedition;

Whereas Zebulon Montgomery Pike never set foot on ''Pike's Peak'' but did contribute significantly to the interior west's early exploration through the headwaters of the Arkansas River;

Whereas Zebulon Montgomery Pike and his expedition found the area of present day Great Sand Dunes National Park in Colorado and the headwaters of the Rio Grande, which he mistakenly thought was the Red River; and

Whereas on April 27, 1813, Zebulon Montgomery Pike died in valiant service to his country, leading an attack on York, later to become Toronto, during the War of 1812: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the year 2006 as the 200th anniversary of Zebulon Montgomery Pike's discoveries throughout the American West; and

(2) encourages the people of the United States to observe and celebrate his contributions to our Nation's history with appropriate ceremonies and activities throughout the year.

HEROES EARNED RETIREMENT OPPORTUNITIES ACT

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of H.R. 1499 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1499) to amend the Internal Revenue Code of 1986 to allow a deduction to members of the Armed Forces serving in a combat zone for contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SANTORUM. I ask unanimous consent the amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2580) was agreed to, as follows:

On page 3, line 3, change ''December 31, 2004'' to ''December 31, 2003''.

The bill (H.R. 1499), as amended, was read the third time and passed.

MEASURE READ THE FIRST TIME—S. 2008

Mr. SANTORUM. I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

A bill (S. 2008) to improve cargo security and for other purposes.

Mr. SANTORUM. I now ask for a second reading and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

ORDERS FOR WEDNESDAY, NOVEMBER 16, 2005

Mr. SANTORUM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, November 16. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 60 minutes with the first 30 minutes under the control of the majority leader or his designee and the final 30 minutes under the control of the Democrat leader or his designee. I further ask that the Senate then begin consideration of S. 1783, the pensions bill as provided under the unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SANTORUM. Today the Senate unanimously passed the Defense authorization bill. I congratulate Senator WARNER and Senator LEVIN for this long, long, long awaited accomplishment, keeping up the record of the Armed Services Committee in passing Defense authorization bills on the floor of the Senate.

Tomorrow the Senate will vote on the CJS appropriations bill conference report. Under the consent agreement just entered, the Senate will begin consideration of a very important piece of legislation, the pension bill, and complete action on that bill during tomorrow's session. We also expect to begin consideration of the tax reconciliation measure, which was reported out of the Finance Committee today, during Wednesday's session of the Senate. Rollcall votes will occur throughout the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SANTORUM. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:57 p.m., adjourned until Wednesday, November 16, 2005, at 9:30 a.m.